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16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 VERNON UNSWORTH,
19

20 Plaintiff,

21 v.

22 ELON MUSK,
23

24 Defendant.

Case No. 2:18-cv-08048-SVW (JC)

**DECLARATION OF G. TAYLOR
WILSON IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

Date: October 28, 2019
Time: 1:30 pm
Courtroom: 10A
Complaint Filed: Sept. 17, 2018
Trial Date: Dec. 3, 2019

1 I, G. Taylor Wilson, declare as follows:

2 1. I am an attorney at the law firm of L. Lin Wood, P.C., counsel of record
3 in this action for Plaintiff Vernon Unsworth. I am a member in good standing of the
4 State Bar of Georgia and am admitted *pro hac vice* to practice before this Court. I
5 have personal knowledge of the facts set forth in this declaration and, if called to
6 testify, I would testify thereto.

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from
8 the August 22, 2019, deposition of Elon Musk in this case.

9 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from
10 the September 10, 2019, deposition of Jared Birchall in this case.

11 4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from
12 the August 14, 2019, deposition of Vernon Unsworth in this case.

13 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from
14 the August 27, 2019, deposition of Vanessa Unsworth in this case.

15 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from
16 the August 28, 2018, deposition of Woranan (“Tik”) Ratrawiphukkun in this case.

17 7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from
18 the September 30, 2019, deposition of Samuel Teller in this case.

19 8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from
20 the October 1, 2019, deposition of David Arnold in this case.

21 9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from
22 the October 1, 2019, deposition of Steven Davis in this case.

23 10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from
24 the September 9, 2019, deposition of Armor Harris in this case.

25 11. Attached hereto as **Exhibit 10** is a true and correct copy of the
26 Declaration of Dr. Rob Harper.

27 12. Attached hereto as **Exhibit 11** is a true and correct copy of the
28 Declaration of Mr. Martin Ellis.

1 13. Attached hereto as **Exhibit 12** is a true and correct copy of the
2 Declaration of Mr. Richard William Stanton MBE GM.

3 14. Attached hereto as **Exhibit 13** is a true and correct copy of the
4 Declaration of Mr. Ben Svasti-Thomson.

5 15. Attached hereto as **Exhibit 14** is a true and correct copy of Elon Musk's
6 July 15, 2018, tweets stating, *inter alia*, "Never saw this British expat guy who lives
7 in Thailand (sus) ... Sorry pedo guy, you really did ask for it."

8 16. Attached hereto as **Exhibit 15** is a true and correct copy of Elon Musk's
9 July 15, 2018, tweet stating, *inter alia*, "Bet ya a signed dollar it's true."

10 17. Attached hereto as **Exhibit 16** is a true and correct copy of e-mail
11 correspondence dated July 17, 2018, between Elon Musk and Sam Teller, produced
12 as MUSK_1706-07.

13 18. Attached hereto as **Exhibit 17** is a true and correct copy of Elon Musk's
14 July 18, 2018, tweets.

15 19. Attached hereto as **Exhibit 18** is a true and correct copy of Elon Musk's
16 August 28, 2018, tweets.

17 20. Attached hereto as **Exhibit 19** is a true and correct copy of e-mail
18 correspondence dated August 29 – September 4, 2018, between Elon Musk and
19 BuzzFeed reporter Ryan Mac, produced as MUSK_000967-71.

20 21. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts
21 from Plaintiff Vernon Unsworth's Responses and Objections to Elon Musk's First
22 Set of Interrogatories.

23 22. Attached hereto as **Exhibit 21** is a true and correct copy of e-mail
24 correspondence dated August 24-25, 2018, between Jared Birchall and James
25 Howard, produced as MUSK_000112-17.

26 23. Attached hereto as **Exhibit 22** is a true and correct copy of e-mail
27 correspondence dated August 26-27, 2018, between Jared Birchall and James
28 Howard, produced as MUSK_000052-56.

1 24. Attached hereto as **Exhibit 23** is a true and correct copy of e-mail
2 correspondence dated August 30, 2018, at 11:04 am between James Howard and
3 Jared Birchall, produced as MUSK_000439-46.

4 25. Attached hereto as **Exhibit 24** is a true and correct copy of e-mail
5 correspondence dated September 4-18, 2018, between James Howard and Jared
6 Birchall, produced as MUSK_000361-73.

7 26. Attached hereto as **Exhibit 25** is true and correct copy of a text message
8 chain dated August 24-October 2, 2018, between Jared Birchall and James Howard,
9 produced as MUSK_000199-216.

10 27. Attached hereto as **Exhibit 26** is a true and correct copy of e-mail
11 correspondence dated September 1, 2018, between James Howard and Jared
12 Birchall, produced as MUSK_000448-61.

13 28. Attached hereto as **Exhibit 27** is a true and correct copy of e-mail
14 correspondence dated July 17, 2018, from James Howard to Elon Musk, among
15 others, produced as MUSK_000001-03.

16 29. Attached hereto as **Exhibit 28** is a true and correct copy of e-mail
17 correspondence dated August 15, 2018, between James Howard and Jared Birchall,
18 produced as MUSK_000253-59.

19 30. Attached hereto as **Exhibit 29** is a true and correct copy of the first page
20 of the Google search results for “James Howard Jupiter” set to “Before August 15,
21 2018.”

22 31. Attached hereto as **Exhibit 30** is a true and correct copy of the article
23 that is the first google result of Exhibit 29, authored by Alex Winter, headlined
24 *Businessman stole £426,000 from company’s accounts despite being given*
25 *“numerous second chances”*, Daily Echo (Nov. 3, 2016), available at
26 [https://www.bournemouthecho.co.uk/news/14839251.businessman-stole-426000-](https://www.bournemouthecho.co.uk/news/14839251.businessman-stole-426000-from-companys-accounts-despite-being-given-numerous-second-chances/)
27 [from-companys-accounts-despite-being-given-numerous-second-chances/](https://www.bournemouthecho.co.uk/news/14839251.businessman-stole-426000-from-companys-accounts-despite-being-given-numerous-second-chances/).

28 32. Attached hereto as **Exhibit 31** is a true and correct copy of *Elon Musk*

1 *Hired A Convicted Felon To Investigate The Cave Rescuer Who Is Now Suing Him*,
2 Ryan Mac and Mark Di Stefano, BuzzFeed News (Oct. 3, 2019), available at
3 [https://www.buzzfeednews.com/article/ryanmac/elon-musk-hired-felon-james-](https://www.buzzfeednews.com/article/ryanmac/elon-musk-hired-felon-james-howard-higgins-dirt-pedo-guy)
4 [howard-higgins-dirt-pedo-guy](https://www.buzzfeednews.com/article/ryanmac/elon-musk-hired-felon-james-howard-higgins-dirt-pedo-guy).

5 33. Attached hereto as **Exhibit 32** is a true and correct copy of e-mail
6 correspondence dated July 15, 2018, between Sam Teller, Dave Arnold, Laura
7 Hardy, and Sarah O'Brien, produced as TESLA001455.

8 34. Attached hereto as **Exhibit 33** is a true and correct copy of e-mail
9 correspondence dated August 28, 2018, between Jared Birchall and James Howard,
10 produced as MUSK_000410-14.

11 35. Attached hereto as **Exhibit 34** is a true and correct copy of e-mail
12 correspondence dated September 4-5, 2018, between, among others, Elon Musk and
13 Juleanna Glover. The document was produced as TESLA000600-39, however,
14 because the .TIF file is largely unintelligible, the copy attached hereto is the
15 associated .txt file produced by TESLA, TESLA000600.txt, which is only a five
16 page e-mail chain.

17 36. Attached hereto as **Exhibit 35** is a true and correct copy of the
18 September 12, 2019, Declaration of Ryan Mac in Support of Motion to Quash
19 Subpoena Issued from a Civil Case Pending Before the United States District Court
20 for the Central District of California and Served on Non-Party Journalist Ryan Mac
21 in a related action.

22 37. Attached hereto as **Exhibit 36** is a true and correct copy of e-mail
23 correspondence dated July 16-17, 2018, between Tesla's communications team,
24 listing and discussing media coverage of Mr. Musk's July 15 "pedo guy" tweets,
25 produced as TESLA000269-75.

26 38. Attached hereto as **Exhibit 37** is a true and correct copy of *People*
27 *Really Aren't Here for Elon Musk's Rescue Submarine*, Racheal Krishna, BuzzFeed
28 News (July 10, 2018), available at

1 [https://www.buzzfeednews.com/article/krishrach/elon-musk-built-a-submarine-to-](https://www.buzzfeednews.com/article/krishrach/elon-musk-built-a-submarine-to-rescue-the-thai-boys-and)
2 [rescue-the-thai-boys-and](https://www.buzzfeednews.com/article/krishrach/elon-musk-built-a-submarine-to-rescue-the-thai-boys-and).

3 39. Attached hereto as **Exhibit 38** is a true and correct copy of *Elon Musk*
4 *Didn't Help Save The Thai Boys. Now He's Attacking Someone Who Did*, Remy
5 Smidt, BuzzFeed News (July 15, 2018), available at
6 [https://www.buzzfeednews.com/article/remysmidt/elon-musk-attacks-diver-who-](https://www.buzzfeednews.com/article/remysmidt/elon-musk-attacks-diver-who-helped-rescue-thai-boys)
7 [helped-rescue-thai-boys](https://www.buzzfeednews.com/article/remysmidt/elon-musk-attacks-diver-who-helped-rescue-thai-boys).

8 40. Attached hereto as **Exhibit 39** is a true and correct copy of *Elon Musk*
9 *Has Revisited His Baseless Pedophile Claims*, Ryan Mac, BuzzFeed News (August
10 28, 2018), available at [https://www.buzzfeednews.com/article/ryanmac/elon-musk-](https://www.buzzfeednews.com/article/ryanmac/elon-musk-revisits-baseless-pedophile-claims)
11 [revisits-baseless-pedophile-claims](https://www.buzzfeednews.com/article/ryanmac/elon-musk-revisits-baseless-pedophile-claims).

12 41. Attached hereto as **Exhibit 40** is a true and correct copy of *The Cave*
13 *Rescuer Elon Musk Called A "Pedo" Has Lawyered Up And Is Preparing A Libel*
14 *Claim*, Ryan Mac, BuzzFeed News (August 29, 2018), available at
15 [https://www.buzzfeednews.com/article/ryanmac/the-british-diver-elon-musk-](https://www.buzzfeednews.com/article/ryanmac/the-british-diver-elon-musk-called-a-pedo-threatened-to-sue)
16 [called-a-pedo-threatened-to-sue](https://www.buzzfeednews.com/article/ryanmac/the-british-diver-elon-musk-called-a-pedo-threatened-to-sue).

17 42. Attached hereto as **Exhibit 41** is a true and correct copy of a May 23,
18 2018, tweet published by Elon Musk.

19 43. Attached hereto as **Exhibit 42** is a true and correct copy of e-mail
20 correspondence dated September 4, 2018, between, among others, Dave Arnold,
21 Ryan Mac, and Ben Smith (editor at BuzzFeed), produced as TESLA000559-60.

22 44. Attached hereto as **Exhibit 43** is a true and correct copy of a collection
23 of Google alerts sent to Elon Musk regarding his accusation of pedophilia, produced
24 as MUSK_000849-55, MUSK_000821-23, MUSK_000793-95, MUSK_000805-07,
25 MUSK_000811-12, MUSK_000827-29, and MUSK_000833-40.

26 45. Attached hereto as **Exhibit 44** is a true and correct copy of e-mail
27 correspondence dated July 16-17, 2018, between SpaceX's communications team
28 and listing and discussing media coverage of Mr. Musk's July 15 "pedo guy" tweets,

1 produces as SPACEX00000094-104.

2 46. Attached hereto as **Exhibit 45** is a true and correct copy of a collection
3 of press inquiries sent to Tesla and SpaceX's public relations teams inquiring about
4 accusations of pedophilia, produced as TESLA000201-03, TESLA000209-12,
5 TESLA000214, and SPACEX00000080.

6 47. Attached hereto as **Exhibit 46** is a true and correct copy of *What's the*
7 *full story behind Elon Musk's involvement with the Thai cave rescue effort?*, Jeremy
8 Arnold, Quora (July 16, 2018), available at [https://www.quora.com/Whats-the-full-](https://www.quora.com/Whats-the-full-story-behind-Elon-Musks-involvement-with-the-Thai-cave-rescue-effort)
9 [story-behind-Elon-Musks-involvement-with-the-Thai-cave-rescue-effort](https://www.quora.com/Whats-the-full-story-behind-Elon-Musks-involvement-with-the-Thai-cave-rescue-effort), same
10 being the article tweeted by Elon Musk on July 18, 2018, described as a "well-written
11 article."

12 48. Attached hereto as **Exhibit 47** is a true and correct copy of Defendant
13 Elon Musk's Notice of Motion and Motion to Dismiss Plaintiff Vernon Unsworth's
14 Complaint; Memorandum of Points and Authorities [Dkt. 30].

15 49. Attached hereto as **Exhibit 48** is a true and correct copy of *Elon Musk's*
16 *weakness for self-promotion masks his potential*, Pilita Clark, Financial Times (July
17 13, 2018), available at [https://www.ft.com/content/39f4d1a6-85d0-11e8-a29d-](https://www.ft.com/content/39f4d1a6-85d0-11e8-a29d-73e3d454535d)
18 [73e3d454535d](https://www.ft.com/content/39f4d1a6-85d0-11e8-a29d-73e3d454535d).

19 50. Attached hereto as **Exhibit 49** is a true and correct copy of e-mail
20 correspondence dated July 10, 2018, between James Gleeson, SpaceX public
21 relations, and reporter Timothy Lee, produced as TESLA001250-51.

22 51. Attached hereto as **Exhibit 50** is a true and correct copy of e-mail
23 correspondence dated July 10, 2018, from Sam Teller to various reporters, produced
24 as TESLA001256.

25 52. Attached hereto as **Exhibit 51** is a true and correct copy of e-mail
26 correspondence dated August 24, 2018, from Martin Schmidbaur to various
27 individuals, produced as TESLA000481-502.

28 53. Attached hereto as **Exhibit 52** is a true and correct copy of e-mail

1 correspondence dated July 10-11, 2018, between Sara O'Brien and Caroline Liddle,
2 produced as TESLA001402-05.

3 54. Attached hereto as **Exhibit 53** is a true and correct copy of e-mail
4 correspondence dated July 9-10, 2018, between Elon Musk, Steve Davis, and Sam
5 Teller, produced as SPACEX00000612-14.

6 55. Attached hereto as **Exhibit 54** is a true and correct copy of a text
7 message conversation between Steve Davis and Sam Teller, produced by Davis at
8 his deposition on October 1, 2019.

9 56. Attached hereto as **Exhibit 55** is a true and correct copy of a text
10 message conversation between Steve Davis and Elon Musk, produced by Davis at
11 his deposition on October 1, 2019.

12 57. Attached hereto as **Exhibit 56** is a true and correct copy of e-mail
13 correspondence dated July 10, 2018, from Sam Teller to various reporters, produced
14 as TESLA001242.

15 58. Attached hereto as **Exhibit 57** is a true and correct copy of a WhatsApp
16 chain with individuals involved in Elon Musk's mini-submarine or tube, produced
17 as MUSK_003203-35.

18 59. Attached hereto as **Exhibit 58** is a true and correct copy of e-mail
19 correspondence dated July 17, 2018, between Sam Teller, Juleanna Glover, and
20 Sarah O'Brien, produced as TESLA001561-71.

21 60. Attached hereto as **Exhibit 59** is a true and correct copy of an
22 unexecuted agency agreement, never signed, between Mr. Unsworth and Mr.
23 William Robinson, produced as VU03429-36.

24 61. Attached hereto as **Exhibit 60** is a true and correct copy of e-mail
25 correspondence dated September 6, 2018, between my law office and Elon Musk,
26 produced as VU00731, VU00810-13.

27 62. Attached hereto as **Exhibit 61** is a true and correct copy of a July 11,
28 2018, tweet published by Elon Musk.

1 63. Attached hereto as **Exhibit 62** is a true and correct copy of e-mail
2 correspondence dated July 10-15, 2018, between Sam Teller, Elon Musk, Mark
3 Juncosa, and others, produced as SPACEX000000702-03.

4 I declare under penalty of perjury under the laws of the State of Georgia and
5 the United States that the foregoing is true and correct and that this document was
6 executed in Atlanta, Georgia.

7 Dated: October 7, 2019

L. LIN WOOD, P.C.

8
9 By: /s/G. Taylor Wilson
G. Taylor Wilson

EXHIBIT 1

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3

4

5 VERNON UNSWORTH,

6 Plaintiff,

7 vs.

Case No. 2:18-cv-8048

8 ELON MUSK,

9 Defendant.

10

11 VIDEOTAPED DEPOSITION OF ELON MUSK

12 BEVERLY HILLS, CALIFORNIA

13 AUGUST 22, 2019

14

15

16

17

18

19 Reported By:
20 PATRICIA Y. SCHULER
CSR No. 11949

21 Job No. 45176

22

23

24

25

1 BBC. And it was just out of the blue this guy -- I 09:36:59
2 never heard of him before -- makes this unprovoked 09:37:03
3 attack; says those lies about me. I'm like what 09:37:05
4 the heck is this guy doing, and then this is crazy. 09:37:12
5 Who is this guy? 09:37:16
6 And then I asked my team, anyone heard of 09:37:17
7 this guy? Nope. Was he on the actual dive team 09:37:20
8 that rescued the kids? They said, "Nope." Okay, 09:37:24
9 this is it pretty suspicious situation. 09:37:26
10 Q. What did you learn about Vernon Unsworth 09:37:36
11 from the time that you first saw his name, whether 09:37:39
12 it was on Twitter or Google Alert? What did you 09:37:42
13 learn about Mr. Unsworth from that time until the 09:37:49
14 15th of July when you tweeted about him? 09:37:54
15 A. I am not sure of the exact dates here. 09:38:03
16 Is the 15th -- is that when I referred to him as a 09:38:07
17 sort of suspicious pedo guy, or is that a different 09:38:12
18 date? 09:38:15
19 Q. I believe that was on July the 15th. You 09:38:16
20 don't recall the date? 09:38:19
21 A. Not the specific date, no. 09:38:20
22 Q. July the 15th. Am I right, gentleman? 09:38:22
23 Yeah, July the 15th. 09:38:25
24 What did you learn about Mr. Unsworth 09:38:27
25 from the time you first saw his name, either on 09:38:32

1 Google alert or Twitter -- 09:38:36

2 A. Sure. 09:38:39

3 Q. -- and the time that you started tweeting 09:38:39

4 about him on July the 15th? 09:38:41

5 A. I literally just saw this article. I 09:38:45

6 think it was on Twitter. I think somebody had 09:38:48

7 retweeted the story or something like that. But it 09:38:51

8 might have been a Google newsletter; I am not sure. 09:38:55

9 But I did not really know much of anything of this 09:39:00

10 guy except that he had gone on TV with a major news 09:39:05

11 organization, and had been -- had attacked me for 09:39:13

12 no reason, unprovoked, was incredibly rude, and you 09:39:16

13 know, to be totally frank, looked sort of like a 09:39:24

14 pedo guy, you know. 09:39:27

15 And then I was like -- googled him, oh, 09:39:30

16 he was like, lives in Thailand. Okay, that's 09:39:34

17 pretty suspicious. English expat, doesn't seem to 09:39:35

18 be -- have been on the dive team, in a very dodgy 09:39:42

19 part of the world. 09:39:46

20 Q. What type of the world? 09:39:47

21 A. Dodgy. 09:39:50

22 Q. Anything else? Sorry I interrupted. 09:39:51

23 A. No. And so it's like, okay, some guy 09:39:56

24 sort of attacks me and insults me, I -- you know, I 09:40:00

25 was upset, and I insulted him back. 09:40:08

1 Q. So other than knowing that he was 09:40:12
2 connected with the cave rescue -- 09:40:20
3 A. I did not know that he was connected with 09:40:24
4 the cave rescue. 09:40:26
5 Q. Oh, you did not know that he was in any 09:40:28
6 way present working with the other volunteers and 09:40:29
7 individuals -- 09:40:33
8 A. No. 09:40:33
9 Q. -- who were trying to rescue the kids? 09:40:33
10 A. No. At the time, I thought he was 09:40:36
11 unconnected and just some random person who lived 09:40:37
12 in Thailand. 09:40:39
13 Q. I see. 09:40:41
14 And so if I hear you correctly, well, let 09:40:42
15 me just ask you. You said he looked -- did you 09:40:47
16 watch the video -- 09:40:49
17 A. Yes. 09:40:50
18 Q. -- interview that he gave? 09:40:50
19 A. Yes. 09:40:52
20 Q. It was on CNN International? 09:40:53
21 A. Okay, CNN. 09:40:54
22 Q. Does that ring a bell? 09:40:56
23 A. It was some major news network. 09:40:57
24 Q. When did you watch the video? 09:41:00
25 A. It was shortly before the tweet. 09:41:05

1 Q. Before the tweet on the 15th? 09:41:07

2 A. Yeah. I think just perhaps like -- 09:41:08

3 really shortly before -- it was like it might have 09:41:14

4 been less than an hour or a few hours before my 09:41:18

5 tweet. 09:41:21

6 Q. And when was the last time you watched 09:41:24

7 the video? 09:41:26

8 A. Probably several months ago; a year ago. 09:41:30

9 Q. Would that have been after your tweet of 09:41:33

10 the 15th of July? 09:41:36

11 A. I think I watched it maybe twice, yes. 09:41:38

12 Q. So you think you watched it once, shortly 09:41:40

13 before you did the July 15 tweets, and then 09:41:43

14 sometime thereafter you watched it again? 09:41:45

15 A. I think so. 09:41:50

16 Q. And when did you form the impression that 09:41:50

17 Mr. Unsworth looked like a pedo guy? Was that the 09:41:54

18 first time you watched it, or was it the second 09:41:58

19 time you watched it? 09:41:59

20 A. It was the first time. 09:42:00

21 Q. What does a pedo guy look like? 09:42:00

22 A. Old angry white guy living in Thailand. 09:42:04

23 Q. So any old angry guy living in Thailand 09:42:08

24 looks to you like a pedo guy? 09:42:12

25 A. It's a sort of a look. I don't know, 09:42:16

1 yeah. And why is he talking about shoving a 09:42:19
2 submarine up my butt. That's pretty weird and rude 09:42:26
3 and uncalled for. 09:42:29
4 And why is he living in Thailand with no 09:42:30
5 apparent job or anything? Why is he, you know -- 09:42:34
6 at the time I didn't -- I thought he was 09:42:39
7 unconnected with the cave rescue and simply just 09:42:41
8 jumping in to claim credit and talk to the press 09:42:46
9 and whatever. 09:42:49
10 Q. I want to make sure I've covered your 09:42:50
11 interpretation of his looks. 09:42:53
12 MR. WOOD: Now, y'all can't be -- let's 09:42:56
13 don't be passing notes back and forth, please. 09:42:57
14 MR. SPIRO: You were doing this during 09:42:59
15 Mr. Unsworth's deposition. 09:42:59
16 MR. WOOD: No, I was not. No, I was not. 09:43:01
17 MR. SPIRO: Of course you were. I saw 09:43:02
18 you doing it. And it will be on the videotape. 09:43:03
19 MR. WOOD: I did not -- let me tell you 09:43:06
20 this -- 09:43:06
21 MR. SPIRO: You want to take a break so I 09:43:06
22 can confer with him for a second? There is no 09:43:07
23 question pending. 09:43:09
24 MR. WOOD: No, I don't want writing 09:43:10
25 statements or something to the witness and showing 09:43:12

1 MR. WOOD: -- and he doesn't allow it in 09:43:44
2 the deposition. 09:43:44
3 MR. SPIRO: We can take a break. 09:43:44
4 MR. WOOD: Please abide by the rules. 09:43:44
5 Let's go. 09:43:47
6 (Exhibit 35 was marked for 09:43:48
7 identification.) 09:43:48
8 BY MR. WOOD: 09:43:48
9 Q. Sir, I want to make sure I have covered 09:43:48
10 what you -- you said he was an angry-looking man? 09:43:52
11 A. He was -- 09:43:56
12 Q. An old man? 09:43:56
13 A. In the video he was clearly, like an 09:44:00
14 angry old white guy, and his background was 09:44:02
15 Thailand, and he was like talking about my ass, 09:44:09
16 which is weird, and shoving something up there. 09:44:13
17 That is pretty bizarre. 09:44:18
18 He lied about the government throwing me 09:44:22
19 out. This is absolutely not true. We were 09:44:25
20 welcomed there by the prime minister himself. So 09:44:28
21 he lied on TV. He's obviously a liar. Seems like 09:44:31
22 a pretty suspicious person. 09:44:37
23 Q. Suspicious in what way? 09:44:39
24 A. Just in general. Why does somebody do 09:44:41
25 that? People with integrity don't do that. 09:44:43

1 Q. He didn't call you a fucking asshole, did 09:44:47
2 he? 09:44:50
3 A. Effectively, yes. 09:44:55
4 Q. What did you think about that? 09:44:56
5 A. Well, I was very upset that he said these 09:45:01
6 things. 09:45:04
7 Q. Do you think that's rude? 09:45:04
8 A. Yes, I do think that is rude. 09:45:11
9 Q. But you say that to people, do you not? 09:45:13
10 A. Not frequently; only if I think they are. 09:45:14
11 Q. And did you think Ryan Mac was a fucking 09:45:17
12 asshole? 09:45:20
13 A. I did. 09:45:21
14 Q. So you didn't hesitate to say "You are a 09:45:22
15 fucking asshole," did you? 09:45:24
16 A. Not literally. I mean, that is a figure 09:45:27
17 of speech. 09:45:29
18 Q. It is an idiom. 09:45:30
19 A. I don't -- 09:45:31
20 Q. You know what an idiom is, don't you? 09:45:32
21 A. Yes. 09:45:34
22 Q. What is it, as you understand it? 09:45:35
23 A. It is idiot with o-m at the end. 09:45:39
24 Q. An idiom is an idiot with an o-m at the 09:45:43
25 end? 09:45:44

1	A. Yes.	09:45:47
2	Q. Do you have any better understanding of	09:45:47
3	what an idiom is other than that?	09:45:48
4	A. Yes. It's a colloquial expression where	09:45:51
5	the -- you don't mean literally the thing that you	09:45:56
6	are saying; it's sort of like a metaphor sometimes.	09:45:58
7	It's a figure of speech.	09:45:59
8	Q. Shove it up your ass. Wouldn't that be	09:46:03
9	an idiomatic phrase?	09:46:06
10	A. Well, given --	09:46:08
11	Q. As you understand idiom?	09:46:09
12	A. Well, my ass is not quite that big, so	09:46:10
13	therefore I would think this is not physically	09:46:12
14	possible, so I would say that is an idiom, most	09:46:15
15	likely.	09:46:19
16	Q. You would have recognized that when you	09:46:19
17	saw or heard Mr. Unsworth's statements?	09:46:21
18	A. Yes.	09:46:24
19	Q. You knew he wasn't literally saying take	09:46:25
20	the tube and shove it where it hurts. He was	09:46:30
21	speaking figuratively as an idiomatic phrase, true?	09:46:32
22	A. Yes. It's still weird, but yes.	09:46:37
23	Q. Now, just so that I am clear, during the	09:46:44
24	time frame that you were on Twitter about	09:46:46
25	Mr. Unsworth on July 15th, you would have still	09:46:49

1 A. That's right. 09:48:59

2 Q. And he lied about you? 09:49:00

3 A. That's correct. 09:49:02

4 Q. Is there anything else that you knew 09:49:03

5 about Vernon Unsworth or your impressions of 09:49:07

6 Vernon Unsworth prior to the time you started 09:49:11

7 tweeting about him on July the 15th, including the 09:49:14

8 tweet referring to him as a pedo guy? 09:49:20

9 A. Well, obviously, he also made an 09:49:24

10 unprovoked attack on me using a very rude metaphor. 09:49:28

11 Q. An idiomatic -- 09:49:35

12 A. A very rude idiomatic expression. 09:49:37

13 Q. Anything else? 09:49:38

14 A. Not that I can recall at this time. 09:49:44

15 There may have been other things, but I can't 09:49:45

16 recall at this time. 09:49:47

17 Q. You've given me your best recollection as 09:49:48

18 you sit here right now under oath -- 09:49:49

19 A. Yes. 09:49:51

20 Q. -- today, right? 09:49:51

21 A. Yes. 09:49:52

22 Q. You said that, I think you referred to 09:49:53

23 maybe -- I don't want to put words in your mouth, 09:49:56

24 so correct me. 09:49:59

25 You used the phrase "dodgy." And I 09:49:59

1 thought it was in reference to Thailand? 09:50:02

2 A. Yes. 09:50:04

3 Q. What did you mean, or what do you mean 09:50:05

4 when you say that Thailand is dodgy? 09:50:07

5 A. Thailand is a place where dodgy people 09:50:16

6 go, in my experience. People who are often up to 09:50:22

7 no good. 09:50:30

8 Q. So that's what dodgy means? People that 09:50:31

9 are up to no good? 09:50:32

10 A. Yes. 09:50:36

11 Q. And how many people do you know that have 09:50:37

12 been to Thailand that you would say were dodgy? 09:50:39

13 A. Well, I would not say "know." "Heard of" 09:50:45

14 perhaps is a better word. 09:50:48

15 Q. Tell me how many you have heard of. 09:50:50

16 A. I mean, there's like that -- Jared, the 09:50:53

17 Subway guy. You know, he went to Thailand a lot. 09:50:56

18 Q. I have heard about him. 09:50:59

19 A. For bad reasons. 09:51:00

20 Q. The Twitter guy. He is on Twitter? 09:51:02

21 A. Perhaps he is; I don't know. But he was 09:51:04

22 the Subway spokesman for many years before losing a 09:51:06

23 lot of weight, and was going to Thailand for, you 09:51:10

24 know, bad reasons. 09:51:14

25 Q. What do you mean "bad reasons"? 09:51:17

1 A. Sort of -- I don't know. Engaging in 09:51:22
2 activity that would be -- he couldn't do here, I 09:51:29
3 assume, because it's a far way to go. 09:51:34
4 Q. What is the activity that you are 09:51:36
5 referring that he could do in Thailand that you 09:51:38
6 couldn't do here? I guess "here," meaning the 09:51:40
7 United States? 09:51:43
8 A. Well, in his case, which is not to say 09:51:43
9 all cases, he was, you know, engaged in pedophilia 09:51:50
10 or something. 09:51:55
11 Q. And how did you define "pedophilia"? In 09:51:57
12 your mind's eye what does that mean? 09:52:00
13 A. I believe the definition would be 09:52:09
14 sleeping with people below an age -- below the age 09:52:12
15 of consent in the United States, essentially. 09:52:14
16 Q. Having sexual relations, physical 09:52:16
17 relations with a child under the age of consent? 09:52:20
18 A. In the U.S., yes. 09:52:24
19 Q. That would be a pedophile in your mind? 09:52:25
20 A. Yes. 09:52:28
21 Q. Anything else when you think of a 09:52:29
22 pedophile that you think of, other than a person 09:52:30
23 that you believe or know has been having sex 09:52:34
24 physically with children under the age of consent? 09:52:37
25 A. I believe there is a standard definition 09:52:45

1 of pedophile. 09:52:47

2 Q. I just want to make sure I've got yours. 09:52:48

3 Anything else that you think of when you use the 09:52:50

4 phrase "pedophile," other than an individual 09:52:52

5 involved in physical sexual activity with a child 09:52:55

6 under the age of consent? 09:52:59

7 A. I believe that is an accurate definition 09:53:02

8 of a pedophile, yes. 09:53:05

9 Q. Is that your definition? The one that 09:53:06

10 you accept as the definition? 09:53:08

11 A. Pedophile, yes. 09:53:11

12 Q. Anything else that you would add to that 09:53:12

13 definition from your perspective when you say 09:53:14

14 someone is or you believe they are a pedophile? 09:53:16

15 A. Well, I mean, they wouldn't necessarily 09:53:19

16 have had to had relations with underaged men or 09:53:22

17 women or boys or girls. They could simply -- they 09:53:26

18 could have pornography, or they could have simply 09:53:29

19 the desire. That -- "pedophile" simply means lover 09:53:32

20 of children, I guess, or something like that. 09:53:39

21 Q. Minor children? 09:53:42

22 A. Below the age of consent. 09:53:44

23 Q. The line for you, whether it's thinking 09:53:47

24 about them or watching something on a film or the 09:53:50

25 internet, the line that you draw is that these are 09:53:54

1 thoughts or activities that are related to sexual 09:54:03
2 acts or thoughts -- 09:54:08
3 A. Or thoughts. 09:54:11
4 Q. -- or desires -- 09:54:11
5 A. Yes. 09:54:13
6 Q. -- with respect to a minor child, that is 09:54:13
7 to say a child under the age of consent, true? 09:54:17
8 A. That is true. 09:54:21
9 Q. So we've got Jared, the sub guy. What 09:54:25
10 did you call him? Jared? 09:54:33
11 A. The Subway. 09:54:34
12 Q. Subway guy. That all came out publicly, 09:54:36
13 didn't it? 09:54:38
14 A. It did, yes. 09:54:38
15 Q. So other than Jared the Subway guy, do 09:54:39
16 you know any other person that you would classify 09:54:42
17 as a pedophile because of visits to Thailand? 09:54:48
18 A. Gary Glitter. 09:54:57
19 Q. And who is Gary Glitter? 09:54:59
20 A. I believe he is an old English rock star. 09:55:01
21 I am not sure if he is English or not. I think he 09:55:05
22 is. 09:55:09
23 Q. What did he do? 09:55:10
24 A. He went to Thailand from England to have 09:55:10
25 sex with underage kids. 09:55:14

1 Q. Anybody besides Gary Glitter, the Subway 09:55:17
2 guy, and Mr. Unsworth? 09:55:25

3 A. Yeah, there is another rock star that was 09:55:32
4 into autoerotic asphyxiation in Thailand. He was 09:55:34
5 also believed to have engaged in pedophilia. I 09:55:41
6 forget his name. I think it was an Australian 09:55:44
7 band. I'll just put it this way: Over the years 09:55:44
8 there's just, you know, you hear of someone, some 09:55:49
9 sort of famous or semi-famous sketchy -- and 09:55:52
10 there's some sketchy activity. And Thailand is 09:55:57
11 often involved. 09:56:01

12 Q. Well, you wouldn't call Mr. Unsworth 09:56:01
13 famous or semi-famous, would you? 09:56:05

14 He's not in the same category as these 09:56:06
15 celebrities that you mentioned? 09:56:08

16 A. He is semi-famous these days. 09:56:12

17 Q. I'm sorry? 09:56:15

18 A. I mean, he's at least semi-famous these 09:56:15
19 days. 09:56:18

20 Q. Well, are you saying because of the 09:56:18
21 litigation and the controversy that arose regarding 09:56:20
22 his interview and your tweets? 09:56:24

23 A. Well, I think he is certainly taking a 09:56:27
24 lot of credit for the cave rescue, and has given 09:56:30
25 many speaking engagements from what I've heard. 09:56:34

1 that. 09:57:34

2 Go ahead. You want to add something. I 09:57:37

3 don't want to stop you. 09:57:38

4 A. Yeah. Just I did just sort of a Google 09:57:40

5 search on Chiang Rai and this article came up from 09:57:51

6 the *Straits Times* about -- for a Singapore - one 09:57:52

7 newspaper about how Chiang Rai was essentially the 09:57:58

8 capital of sex trafficking in the world. That was 09:58:02

9 also a data point. 09:58:08

10 Q. Anything else? 09:58:10

11 A. I was -- 09:58:10

12 Q. I was asking about your trips to 09:58:10

13 Thailand. You said you have never been except for 09:58:13

14 one time when you took the tube over. 09:58:15

15 And then you started telling me that you 09:58:19

16 had done a Google search about Chiang Rai? 09:58:19

17 A. Yes -- 09:58:23

18 Q. You did not go to Chiang Rai? 09:58:24

19 A. You asked me everything that I could 09:58:27

20 recall about this. And obviously, you know, the 09:58:28

21 human memory is fallible. So this is one extra 09:58:29

22 thing that I remember was just googling Chiang Rai 09:58:33

23 and reading the *Straits Times* article about how 09:58:37

24 Chiang Rai, which is where Mr. Unsworth is from, or 09:58:40

25 was still living, or near there, and how it being a 09:58:44

1 child sex trafficking capital of the world. 09:58:49

2 Q. When did you do that research? 09:58:51

3 A. I would not call it research. It was a 09:58:54

4 google -- 09:58:54

5 Q. So when do you the search? 09:58:55

6 A. It was shortly before the tweet. I typed 09:58:57

7 in his name in Google and his name came up -- not 09:58:59

8 his name. I typed in Chiang Rai I should say. 09:59:04

9 Q. Why Chiang Rai? 09:59:08

10 A. That is where the caves were. 09:59:09

11 Q. Not anything related to Mr. Unsworth? 09:59:12

12 A. No. Just -- 09:59:16

13 Q. Just the caves' location being at or near 09:59:17

14 Chiang Rai? 09:59:20

15 A. Yes. 09:59:20

16 Q. How many times have you done any cave 09:59:22

17 exploration? 09:59:25

18 A. When you say cave exploration, do you 09:59:32

19 mean -- I have not engaged in new caves, anything 09:59:34

20 like that. I've certainly walked through caves a 09:59:39

21 few times in my life. 09:59:41

22 Q. Where? 09:59:43

23 A. South Africa. Some caves in Canada and 09:59:44

24 the U.S. I would not say I spent any significant 09:59:51

25 time in caves. 09:59:54

1	A. Yes.	10:03:26
2	Q. Do you have any knowledge as you sit here	10:03:27
3	today about how many times prior to July the 15th	10:03:29
4	Mr. Unsworth had visited and explored the Tham	10:03:34
5	Luang cave system?	10:03:43
6	A. No.	10:03:45
7	Q. Have you ever tried to find out his	10:03:46
8	knowledge or his experience?	10:03:48
9	A. I did a Google search of him and of	10:03:53
10	Chiang Rai.	10:03:56
11	Q. When did you do the Google search of	10:03:57
12	Vernon Unsworth?	10:04:00
13	A. That was after I saw his very rude	10:04:01
14	interview with, I guess, CNN.	10:04:05
15	Q. And that would have been before your pedo	10:04:08
16	guy tweet?	10:04:10
17	A. Yes.	10:04:11
18	Q. So when you went -- when it was brought	10:04:12
19	your attention that Mr. Unsworth had given this	10:04:18
20	interview, and as you perceived it at least, made	10:04:21
21	these rude attacks and told lies about you, you	10:04:24
22	didn't know who in the world he was, did you?	10:04:27
23	A. No. I thought -- I thought this -- I did	10:04:31
24	not know who he was, so I searched -- did the	10:04:33
25	search, Google search, and that's the -- and from	10:04:35

1 what I could tell this guy, at least at the time, 10:04:41
2 it seemed like he didn't have anything to do with 10:04:43
3 the rescue and had not been on the dive team where 10:04:46
4 they risked their life. 10:04:49
5 And so my impression was that he was just 10:04:51
6 some -- at the time, just some random expat that 10:04:53
7 the media had found to interview. And so here was 10:04:57
8 some random, some creepy expat guy living in 10:04:59
9 Thailand attacking me for no reason. 10:05:08
10 Q. And that was the sole -- that was the 10:05:11
11 full extent of your knowledge about Vernon Unsworth 10:05:12
12 when you tweeted about him on the 15th of July, 10:05:17
13 true? 10:05:21
14 A. Yes. 10:05:22
15 Q. Basically what you had learned on Google? 10:05:23
16 A. Yeah, this is all in the space of maybe 10:05:26
17 an hour or so; maybe an hour. Less than an hour. 10:05:29
18 Q. Hour. Could have been an hour and a half 10:05:33
19 you spent looking for him? 10:05:35
20 A. It was maybe an hour, well, maybe less. 10:05:37
21 Q. Just somewhere close to the amount of 10:05:39
22 time you spent preparing for this deposition, 10:05:41
23 wouldn't you say? 10:05:43
24 A. Similar, maybe less. Probably less. 10:05:44
25 Q. And that is it; that is all you knew, 10:05:47

1 except you knew one other thing. You had seen the 10:05:50
2 video, had you not? 10:05:54
3 A. I saw the CNN interview. 10:05:56
4 Q. Before you tweeted? 10:05:59
5 A. Yes. I saw the interview. Did some 10:06:00
6 Google searches. And I got upset because this guy 10:06:05
7 had insulted me for no reason, and I insulted him 10:06:09
8 back. 10:06:13
9 Q. You heard and saw the interview. You did 10:06:14
10 some searching on Google for Vernon Unsworth and 10:06:16
11 Chiang Rai, and then you tweeted about him, 10:06:19
12 including referring to him as a "pedo guy," true? 10:06:22
13 A. Yes. 10:06:25
14 Q. And that was the sum total of your 10:06:25
15 knowledge of Vernon Unsworth at the time you 10:06:27
16 published those tweets on July 15, true? 10:06:29
17 A. To the best of my recollection, yes. 10:06:32
18 Q. I'm trying to see if you can help me with 10:06:35
19 this, Mr. Musk. You got this information on Google 10:06:51
20 about Chiang Rai. Apparently you got information 10:06:55
21 from Google that Mr. Unsworth had at some time 10:06:59
22 lived in the UK and was spending most of his time 10:07:04
23 or had moved to Thailand, right? 10:07:08
24 A. Yes. Something like that. 10:07:10
25 Q. Now, stopping there, would that have been 10:07:13

1 enough information for you to refer to Mr. Unsworth 10:07:16
2 as a pedo guy, or did you need the information that 10:07:21
3 you got when you saw him on the interview and 10:07:26
4 surmised that he looked like a pedo guy? 10:07:30
5 MR. SPIRO: If can you answer that. If 10:07:33
6 you understand the question. 10:07:34
7 THE WITNESS: I'm not sure I -- let me be 10:07:37
8 clear. I had never seen this guy before or heard 10:07:38
9 of him before until I saw this interview on CNN. 10:07:41
10 BY MR. WOOD: 10:07:45
11 Q. And you said he looked like a pedo guy? 10:07:45
12 A. Yeah, he looked like a pedo. 10:07:48
13 Q. Did you need to see the interview to 10:07:51
14 reference him as a pedo guy? Was that what kind of 10:07:53
15 tipped the scales, or was it enough that he had 10:07:55
16 simply lived in UK and apparently started spending 10:07:57
17 time in Thailand? 10:08:01
18 MR. SPIRO: Yeah. I'm going to object 10:08:02
19 just because of the timing sequence. He said that 10:08:02
20 he saw the interview first. He didn't start 10:08:03
21 googling him randomly first. 10:08:05
22 MR. WOOD: I didn't mean to suggest -- 10:08:06
23 MR. SPIRO: Yeah. That's why -- it can 10:08:09
24 be confusing. 10:08:09
25 THE WITNESS: Right. 10:08:11

1 BY MR. WOOD: 10:08:11

2 Q. So you saw him first? 10:08:11

3 A. I saw his interview. And it's like, 10:08:12

4 well, who the hell is this guy, and what the hell 10:08:16

5 is he doing insulting me, insulting everything my 10:08:18

6 team did, the hard work everyone put in to try to 10:08:22

7 help these kids. 10:08:26

8 We tried hard to be helpful and do the 10:08:27

9 right thing, and this guy is just unprovoked 10:08:31

10 attacking us for no reason, being rude as hell, and 10:08:32

11 looking like a huge creep. 10:08:35

12 Q. I am just trying to figure out how much 10:08:37

13 of his looks on the interview influenced your 10:08:38

14 thoughts that he was a pedo guy or -- 10:08:41

15 A. He just looked creepy, essentially. 10:08:46

16 Q. So if you look creepy you think of 10:08:48

17 pedophilia? 10:08:52

18 A. No. I think if you look creepy and are 10:08:53

19 in Thailand that you look like a pedo guy. It's 10:08:55

20 just a bad look. 10:08:59

21 Q. But you did not tweet that he looked like 10:09:00

22 a pedo guy, did you? You called him a pedo guy, 10:09:02

23 right? 10:09:05

24 A. Pedo guy is just kind of a common insult. 10:09:06

25 Q. Common insult? 10:09:10

1 A. Yes. Especially where I grew up. 10:09:11

2 Q. Intending to say you're a pedophile? 10:09:13

3 A. Not really. 10:09:15

4 Q. What is it intended to convey? 10:09:16

5 A. It just basically means are you a creepy 10:09:18

6 old man, which I believe actually he did seem like 10:09:21

7 a creepy old man to me. 10:09:23

8 Q. And how many people have you used the 10:09:25

9 insult pedo guy against? 10:09:27

10 A. Growing up in South Africa, it was a 10:09:34

11 common insult. Any old creepy guy would be 10:09:36

12 referred to pedo guy. It was pretty normal. 10:09:41

13 Q. You said growing up in South Africa it 10:09:43

14 was an insult. Is that talking about, you know, in 10:09:44

15 your youth? Y'all used to call people pedo guys? 10:09:44

16 A. Yeah. It was like, oh, creepy old man; 10:09:49

17 pedo guy. 10:09:52

18 Q. I'm more talking about as an adult any 10:09:53

19 other times that you have described someone as a 10:09:54

20 pedo guy, not from your youth in South Africa. 10:09:58

21 A. Actually, I've not used those words 10:10:09

22 publicly. 10:10:11

23 Q. Have you used them in private? 10:10:11

24 A. Yes, in a few cases. 10:10:14

25 Q. Against whom? 10:10:16

1	A. I can't recall at this time, but I've	10:10:33
2	certainly used it since I was a child. I could	10:10:34
3	give it some thought and see if I can recall. I	10:10:39
4	cannot recall specifics right now, but it is just a	10:10:42
5	common phrase.	10:10:45
6		10:10:46
7		10:10:49
8		10:10:51
9		10:10:58
10		10:11:03
11		10:11:04
12		10:11:07
13		10:11:10
14		10:11:12
15		10:11:13
16		10:11:15
17		10:11:19
18		10:11:22
19		10:11:25
20		10:11:27
21		10:11:28
22		10:11:30
23		10:11:31
24		10:11:32
25		10:11:34

1		10:13:54
2		10:13:54
3		10:13:56
4		10:13:57
5		10:13:59
6		10:14:01
7		10:14:02
8		10:14:02
9		10:14:04
10		10:14:09
11		10:14:11
12		10:14:11
13		10:14:14
14		10:14:18
15		10:14:19
16		10:14:20
17		10:14:21
18		10:14:26
19	Q. Mr. Unsworth's companion is 23 years	10:14:29
20	younger than him -- Tik. Do you have a problem in	10:14:32
21	terms of thinking that Mr. Unsworth is a pedo guy	10:14:37
22	because he was -- his companion is 23 years younger	10:14:41
23	than him?	10:14:46
24	A. I don't think the age difference matters.	10:14:47
25	What matters is whether somebody is a consenting	10:14:50

1 adult. 10:14:53

2 Q. Correct. Meaning over the age -- being 10:14:54

3 older than that age of consent? 10:14:59

4 A. At a minimum, yes. 10:15:01

5 Q. That is key for you? 10:15:02

6 A. Yes, I mean -- yes. 10:15:04

7 MR. WOOD: All right. We've been going 10:15:06

8 for about an hour. Do you want to take a quick 10:15:06

9 break? 10:15:07

10 MR. SPIRO: We don't have to. 10:15:07

11 MR. WOOD: Let's take a quick break. 10:15:09

12 Usually try to do it about every hour, stretch your 10:15:10

13 back. 10:15:12

14 THE VIDEOGRAPHER: And we're going off 10:15:14

15 the record at 10:15 a.m. 10:15:14

16 (Recess taken.) 10:25:16

17 THE VIDEOGRAPHER: And we are back on the 10:25:18

18 record at 10:25 a.m. 10:25:19

19 BY MR. WOOD: 10:25:23

20 Q. Mr. Musk, since the time of your search 10:25:25

21 on Google about Mr. Unsworth and Chiang Rai, which 10:25:32

22 I believe you told me was done after you saw the 10:25:37

23 interview on CNN or the one he gave to CNN 10:25:41

24 International, and before you tweeted about 10:25:45

25 pedo guy on the 15th of July -- since that time 10:25:48

1 And you know, are these -- you know, is he up to no 10:29:41
2 good there, or is he there for legitimate reasons. 10:29:44

3 Q. I'm sorry. 10:29:49

4 A. Is Unsworth up to no good there, or is he 10:29:49
5 there for legitimate reasons. 10:29:55

6 Q. There for -- 10:29:59

7 A. There in Thailand or in Chiang Rai. 10:29:59

8 Q. Okay. 10:30:01

9 A. Which is an odd place to be. 10:30:01

10 So Jared had this investigator move 10:30:06
11 forward. Jared, I think, thought this guy was 10:30:11
12 legitimate, and Jared told me that, you know, the 10:30:15
13 investigator was saying that Unsworth had been up 10:30:24
14 to all sorts of bad things in Thailand, and lived 10:30:27
15 in places that were equivalent to like a red-light 10:30:32
16 district or something like that. 10:30:36

17 And told me -- these things subsequently 10:30:38
18 turned out not to be correct, but these were what 10:30:42
19 were told to me by Jared, who was told to us by 10:30:45
20 this investigator. 10:30:49

21 And Jared said that this investigator is 10:30:49
22 saying this guy had like a 12-year-old bride or 10:30:54
23 something like that, and that he lived in Pattaya 10:30:58
24 Beach in a hotel noted for underage sex tourism. 10:31:03
25 These were just things that were related to me -- 10:31:09

1 or that were relayed to me by Jared. 10:31:13

2 And I was like, wow, this is sounding 10:31:14

3 pretty bad, you know, maybe, you know, this sort of 10:31:17

4 offhand insult that I had done in kind -- in 10:31:24

5 response to his offhand insult -- maybe there's 10:31:29

6 actually some merit to this. We should, you know, 10:31:30

7 try to find out more and see if this is a serious 10:31:33

8 matter or not. 10:31:39

9 And then for some reason some guy at 10:31:40

10 BuzzFeed reached out to me about this. I am not 10:31:45

11 sure why he reached out to me. But he emailed me. 10:31:49

12 And I was like, well, what if this is a real 10:31:53

13 situation? What if what we have here is another 10:31:59

14 Jeffrey Epstein. We should, you know -- I have 10:32:02

15 this -- I am told this information. I don't know 10:32:06

16 if it is true. But what if we have another 10:32:09

17 Jeffrey Epstein on our hands? And what if he uses 10:32:11

18 whatever celebrity he gains from this cave rescue 10:32:15

19 to shield his bad deeds? This would be terrible. 10:32:20

20 And so this was like, wow, somebody 10:32:23

21 should really look into this and just find out what 10:32:27

22 is the real situation here. When I said 10:32:30

23 "pedo guy," I didn't mean that he was literally a 10:32:35

24 pedophile; it was just an insult. But after 10:32:38

25 getting this information from this investigator 10:32:41

1 through Jared, I was like, well, maybe he is 10:32:43
2 actually a pedophile. Is this possible? 10:32:47
3 And so when this BuzzFeed guy says "Off 10:32:49
4 the record," meaning this is not for any 10:32:54
5 publication or any further -- this is told in 10:32:57
6 confidence, you should go and look into it. You 10:33:00
7 know, and so the BuzzFeed guy broke journalistic 10:33:04
8 ethics and published an email that was never meant 10:33:13
9 to be published. I just wanted them to just make 10:33:17
10 sure this guy is not actually up to very bad 10:33:21
11 things. 10:33:25
12 So please go -- this is what journalists 10:33:25
13 are supposed to go do is look into these things, 10:33:29
14 try to find out if it is real, and if is we put a 10:33:33
15 stop to it. 10:33:39
16 Q. So you actually had the thought at the 10:33:40
17 time back in August of 2018, this guy might be like 10:33:43
18 another Jeffrey Epstein? 10:33:50
19 Is that what you told me? 10:33:50
20 A. Is that the BuzzFeed correspondence date? 10:33:53
21 I'm not sure of -- this is a year ago, so please if 10:33:57
22 you could -- if I could trouble you to refresh me 10:33:59
23 as to what you mean by that date. 10:34:01
24 Q. Well, let me see. 10:34:03
25 MR. WOOD: This will be 36. I had one 10:34:03

1 marked earlier as 35, but I'll come back to that. 10:34:13
2 (Exhibit 36 was marked for 10:34:27
3 identification.) 10:34:27
4 BY MR. WOOD: 10:34:28
5 Q. I'm going to hand you, Mr. Musk, what has 10:34:29
6 been marked for purposes of identification to your 10:34:30
7 deposition as Exhibit 36. And you may feel free to 10:34:35
8 take the time to review that document. 10:34:40
9 A. Sure. 10:34:42
10 Q. But for purposes of my question, I'm just 10:34:43
11 trying to answer your question about the timeline. 10:34:45
12 A. Thank you. If you could allow me to take 10:34:50
13 a moment to review it. 10:34:54
14 Q. If this helps. Yes. 10:34:57
15 Have you had a chance to review Exhibit 10:35:00
16 No. 36? 10:35:59
17 A. I did. 10:36:00
18 Q. Have you seen it before? 10:36:01
19 A. No. 10:36:03
20 Q. You see that the email correspondence and 10:36:03
21 the nondisclosure agreement are dated August 15th 10:36:10
22 of 2018? 10:36:15
23 A. Yes. 10:36:16
24 Q. Does that refresh your recollection as to 10:36:17
25 when you would have asked Jared Birchall to reach 10:36:21

1 out to the investigator to find out what he knew or 10:36:25
2 might be able to find out? 10:36:28

3 A. Yeah, I mean, that would have 10:36:30
4 precipitated -- Jared had mentioned that there was 10:36:31
5 this investigator who -- I think he had mentioned 10:36:33
6 this before August, but we didn't take action 10:36:38
7 because, you know, there was -- didn't seem like 10:36:45
8 good reason to move forward. 10:36:50

9 So -- but then if I can recall correctly, 10:36:52
10 it was after I got what seemed like a shakedown 10:36:59
11 letter from you. I'm like, wait a second, hey, 10:37:02
12 let's just find out if this is a real thing or not. 10:37:04
13 And so this investigator -- I asked Jared does this 10:37:07
14 investigator seem like he's got a credible 10:37:15
15 background? 10:37:16

16 And Jared says he sounds credible. He 10:37:16
17 claimed to work for Paul Allen and George Soros, 10:37:24
18 and I mean, these are some credible people. 10:37:29
19 Sounded like he would be perhaps credible. Just 10:37:31
20 get to the bottom of the situation; find out what 10:37:35
21 is real and what is not. 10:37:38

22 Q. So you were -- your reason for reaching 10:37:41
23 out and retaining Mr. Howard on or about 10:37:46
24 August 15th would be because you had gotten the 10:37:52
25 shakedown letter from me, and you thought maybe 10:37:57

1 you'd better see what was going on here with 10:38:00
2 Unsworth, right? 10:38:03
3 A. Yes. 10:38:05
4 (Exhibit 37 was marked for 10:38:05
5 identification.) 10:38:05
6 BY MR. WOOD: 10:38:06
7 Q. Let me hand you -- this is 37. The court 10:38:06
8 reporter has handed you what has been marked for 10:38:18
9 purposes of identification to your deposition as 10:38:21
10 Exhibit 37. 10:38:23
11 Mr. Musk, if you want to take a moment 10:38:23
12 and look at that document. 10:38:26
13 A. Right. 10:38:45
14 Q. Is Exhibit 37 the letter from me that you 10:38:46
15 have earlier characterized as "the shakedown 10:38:50
16 letter"? 10:38:53
17 A. Yes. This is the letter that came across 10:38:54
18 certainly as a shakedown letter. 10:38:58
19 Q. And you had this letter, and you had seen 10:39:00
20 it before you engaged Mr. Howard, true? 10:39:02
21 A. That is correct. 10:39:07
22 Q. What is Excession LLC? 10:39:20
23 A. Excession LLC is basically my family 10:39:26
24 office company. 10:39:31
25 Q. And what -- generally speaking -- I don't 10:39:33

1 Q. What is his position at Excession LLC? 10:40:59

2 A. It's really just a -- a small -- like 10:41:04

3 holding company. It's not really -- there's 10:41:10

4 essentially two people in it. He would be the 10:41:12

5 president, I guess, of Excession. 10:41:15

6 Q. Take a look if you would back at 10:41:18

7 Exhibit 36, the NDA. 10:41:20

8 A. Yes. 10:41:25

9 Q. If you look at the last page of that 10:41:26

10 exhibit, do you see where Mr. Birchall has signed 10:41:27

11 the NDA on behalf of Excession LLC? 10:41:30

12 A. Yeah, as manager. 10:41:35

13 Q. And he describes his title as "manager." 10:41:35

14 Would you agree with that? 10:41:37

15 A. Sure. Yeah, I would agree with that. 10:41:39

16 Q. Is he a salaried employee? 10:41:41

17 A. Yeah. 10:41:44

18 Q. He works for you? 10:41:46

19 A. Yes. 10:41:46

20 Q. He answers to you? 10:41:47

21 A. That is correct. 10:41:50

22 Q. You are his direct report? 10:41:50

23 A. Yes. 10:41:52

24 Q. You obviously give him instructions on 10:41:54

25 what he is to do and not to do, right? 10:41:56

1 Q. I'm going to hand you what has been 10:53:31
2 marked for purposes of identification as 10:53:33
3 Exhibit 35, Mr. Musk. And if you take a moment, my 10:53:33
4 first question is simply going to be: Are you 10:53:34
5 familiar with that document? 10:53:35
6 A. Let me take a moment to read it, if I 10:53:44
7 may. 10:53:46
8 Q. Certainly. Take all the time you need. 10:53:47
9 A. Twitter hellswamp is a funny phrase. But 10:54:29
10 it's accurate at times. 10:54:34
11 Yes, I've read it. 10:54:36
12 Q. Are you familiar with the document? 10:54:41
13 A. Yes. Sam sent it to me in July of last 10:54:44
14 year. I wouldn't say familiar. He sends me a lot 10:54:49
15 of emails. 10:54:51
16 Q. Before I showed it to you today, when is 10:54:54
17 the last time you recall seeing it? 10:54:56
18 A. This was shown to me briefly last night. 10:54:57
19 Q. Before last night, when was the last time 10:55:00
20 you recall having seen it? 10:55:02
21 A. I guess that would have been July of last 10:55:05
22 year. 10:55:08
23 Q. If you will follow along with me, 10:55:08
24 Mr. Musk, on Mr. Teller's email to you at the top. 10:55:10
25 Who is Gwynne? 10:55:16

1 A. Gwynne is the president of SpaceX, the 10:55:20
2 chief operating officer. 10:55:22
3 Q. What is her last name? 10:55:24
4 A. Shotwell. 10:55:25
5 Q. How long as she been the president of 10:55:25
6 SpaceX? 10:55:25
7 A. Since 2008. 10:55:29
8 Q. Do you find her to be a valued and 10:55:30
9 trusted employee? 10:55:32
10 A. Yes, she is great. 10:55:33
11 Q. Respect her judgment? 10:55:34
12 A. Yes, absolutely. 10:55:36
13 Q. And who is Shallman? 10:55:36
14 A. Shallman. He's like a -- I think he's in 10:55:39
15 PR or something. I don't know him well at all. 10:55:43
16 Q. Do you even know his name, other than 10:55:48
17 Shallman; whether that's first name or last name? 10:55:51
18 A. I believe that is his last name. 10:55:53
19 Q. Do you know his first name? 10:55:55
20 A. No. 10:55:57
21 Q. Do you know who he works for? 10:55:58
22 A. I don't know what company he works for. 10:56:01
23 Q. Can you pull what he looks like up in 10:56:04
24 your mind's eye? 10:56:08
25 A. No. 10:56:09

1 Q. You don't know him? 10:56:09
2 A. I don't really know him. 10:56:12
3 Q. How about Saltsman? Who is Saltsman? 10:56:12
4 A. Saltsman. I believe he is a lawyer. 10:56:15
5 Q. In-house lawyer? 10:56:20
6 A. No. He's I think with some law firm in 10:56:21
7 DC. I'm not sure. Sam knows him but I don't know 10:56:26
8 him. I have met him once. 10:56:32
9 Q. Do you know his name? Is Saltsman his 10:56:34
10 last name or name first? 10:56:36
11 A. That's his last name; I don't know his 10:56:37
12 first name. 10:56:39
13 Q. So if I asked you -- 10:56:40
14 A. I actually met him once for only five 10:56:40
15 minutes. 10:56:43
16 Q. In his mind's eye can you even pull up 10:56:44
17 and recognize who he is visually? 10:56:45
18 A. I might be able to recognize Saltsman. I 10:56:48
19 am not sure. But in as much as you meet 10:56:49
20 somebody -- I think I met him once two years ago 10:56:52
21 for five minutes. 10:56:53
22 Q. Do you know what he does, if anything, in 10:56:55
23 his role as an attorney for any of your companies? 10:56:58
24 A. Not really, no. 10:57:00
25 Q. You've never -- you have no recollection 10:57:02

1 of retaining him or his law firm for any type of 10:57:04
2 matter, do you? 10:57:07
3 A. I think there was some Tesla thing 10:57:09
4 that -- Sam is the one who engaged him for some 10:57:11
5 Tesla-related stuff, but I am not sure what it was 10:57:15
6 about. 10:57:18
7 Q. What about Todd? Who is Todd? 10:57:20
8 A. Todd was the general counsel of Tesla. 10:57:23
9 Q. How long did Todd -- what is Todd's full 10:57:26
10 name? 10:57:27
11 A. Todd Maron. 10:57:27
12 Q. And how long has Todd been the general 10:57:27
13 counsel for Tesla? 10:57:33
14 A. He left earlier this year, but he was 10:57:34
15 general counsel for about four or five years. 10:57:36
16 Q. Did he do a good job? 10:57:39
17 A. Yes. 10:57:41
18 Q. Would you view him as a -- at the time he 10:57:41
19 was with you a valued and respected employee? 10:57:44
20 A. Yes. 10:57:46
21 Q. Whose judgment you trusted? 10:57:46
22 A. Yes. 10:57:48
23 Q. And how about Sarah? Who is Sarah? 10:57:50
24 A. Sarah was head of communications for 10:57:52
25 Tesla. 10:57:54

1 Q. What is Sarah's full name? 10:57:57

2 A. Actually, I should know this. I'll 10:58:02

3 recall it soon, but I don't recall it offhand. 10:58:06

4 Q. How long has she -- is she still the head 10:58:09

5 of communications with Tesla? 10:58:11

6 A. No. She's moved to Facebook. 10:58:14

7 Q. She moved to Facebook? 10:58:16

8 A. Yes. 10:58:18

9 Q. How long was she head of communications 10:58:18

10 with Tesla? 10:58:20

11 A. She was head of communications for, I 10:58:21

12 believe, about two years but was working for Tesla 10:58:21

13 for two or three years before that in like a number 10:58:25

14 two and number three role in communications. 10:58:26

15 Q. Did you find her to be a valued and 10:58:33

16 respected employee? 10:58:34

17 A. Generally. 10:58:35

18 Q. And trusted her judgment? 10:58:36

19 A. Not in all matters, but generally, yes. 10:58:38

20 Q. Anything that stand out in your mind's 10:58:41

21 eye that raised some concerns about her judgment? 10:58:44

22 A. I think she was perhaps overly sensitive 10:58:46

23 to what the press say at times. 10:58:47

24 Q. Anything other than sensitivity to the 10:58:49

25 media? 10:58:51

1	A. Not really, no. She's great.	10:58:52
2	Q. Would you consider yourself sensitive to	10:58:54
3	the media coverage of you? Or have you kind of got	10:58:56
4	thick skin?	10:59:00
5	A. It's a pretty thick skin at this point.	10:59:01
6	I mean, it's a torrent of media. And I don't know.	10:59:03
7	The media, to be very frank, is -- especially over	10:59:09
8	the last few years, has caused me to lose some	10:59:12
9	faith in humanity. Not good.	10:59:16
10	Q. Have you had to kind of steel yourself	10:59:19
11	against what you feel has been unfair attacks on	10:59:21
12	you by the media, as well as, I know, there's some	10:59:22
13	other people like short sellers you're not happy	10:59:27
14	with?	10:59:28
15	But I mean, from the media perspective,	10:59:28
16	have you had to kind of toughen up your skin to	10:59:29
17	just kind of deal with it and not let it bother	10:59:32
18	you?	10:59:36
19	A. I mean, it's hard to not -- you know, we	10:59:36
20	all have feelings here. It is not quite like water	10:59:39
21	off a duck's back. If the media is making vicious	10:59:44
22	attacks, especially very hurtful ones, then	10:59:47
23	obviously, that's -- thick skin doesn't mean an	10:59:51
24	impenetrable skin.	10:59:56
25	Q. Right, but certainly means tougher skin?	10:59:58

1	A.	It's inevitable.	11:00:01
2	Q.	And you have had to develop that type of	11:00:04
3		toughness with respect to comments about you?	11:00:07
4	A.	Generally.	11:00:09
5	Q.	For the past several years?	11:00:10
6	A.	Last few years especially. Past two or	11:00:12
7		three years.	11:00:14
8	Q.	And what about Deepak? Who is Deepak?	11:00:15
9	A.	Deepak Ahuja was the CFO of Tesla for	11:00:18
10		about eight years.	11:00:23
11	Q.	When did he leave?	11:00:24
12	A.	Earlier this year.	11:00:25
13	Q.	Is it a he?	11:00:26
14	A.	Yes.	11:00:27
15	Q.	And where did he go? Do you know?	11:00:28
16	A.	He retired.	11:00:30
17	Q.	Was he viewed by you as a loyal and	11:00:31
18		respected employee?	11:00:36
19	A.	Yes.	11:00:37
20	Q.	Whose judgment you trusted?	11:00:37
21	A.	Yeah, he's great.	11:00:39
22	Q.	And then who is Antonio? What is	11:00:41
23		Antonio's full name?	11:00:44
24	A.	Antonio Gracias is a board member of	11:00:46
25		Tesla, and he has been instrumental in Tesla's	11:00:54

1 success ever since 2007. 11:00:57

2 Q. Is he a shareholder? 11:01:04

3 A. He is a shareholder, but he has also been 11:01:06

4 actively helpful in solving production issues and 11:01:11

5 other issues at Tesla. 11:01:15

6 Q. So you've been -- he's been around for 11:01:19

7 almost 12 years? 11:01:21

8 A. Yeah, that's right. 11:01:23

9 Q. You trust his judgment? 11:01:25

10 A. Yeah, he's great. 11:01:27

11 Q. Respected employee or actually not an 11:01:29

12 employee? 11:01:31

13 A. He is not an employee. 11:01:32

14 Q. Not an employee, but he rolls up his 11:01:33

15 sleeves and does get involved with you? 11:01:35

16 A. Yeah, he is great. 11:01:37

17 Q. And Anthony Romero. Who is that? 11:01:41

18 A. He is, I believe, executive director of 11:01:44

19 the ACLU. 11:01:48

20 Q. Not connected in any type of employment 11:01:52

21 with any of your companies? 11:01:54

22 A. No. 11:01:57

23 Q. How long have you known Anthony Romero? 11:01:57

24 A. I don't know him well, but we've met 11:02:00

25 several times over the course probably about five 11:02:03

1 years. 11:02:05

2 Q. In what capacity? Socially or business? 11:02:09

3 A. No, just he -- he's asked for my support 11:02:12

4 of the ACLU. I have provided some financial 11:02:16

5 support of the ACLU because I believe in some, but 11:02:19

6 not all of the things that they do. A lot of the 11:02:22

7 things that they do. 11:02:25

8 Q. Is he a friend? 11:02:27

9 A. I wouldn't say I know him well enough to 11:02:31

10 consider him a friend, but you know, we are 11:02:34

11 certainly on friendly terms, and he seems like he 11:02:38

12 cares a lot about doing good things. 11:02:41

13 Q. You value his judgment in the times he's 11:02:44

14 expressed his feelings to you? 11:02:47

15 A. Yeah, sure. 11:02:49

16 Q. And who is Davis? 11:02:50

17 A. Steve Davis. Steve is a sort of 11:02:52

18 president/CEO, basically running and building 11:02:56

19 The Boring Company. 11:02:59

20 Q. And how long has he been with The Boring 11:03:01

21 Company? 11:03:03

22 A. He was really part of the formation -- or 11:03:06

23 really very close to the formation, so it's been -- 11:03:07

24 Q. 2017? 11:03:10

25 A. Yes, that's about right. Been a couple 11:03:11

1 years. But he was -- his first job out of college 11:03:13
2 was SpaceX. So when he graduated Stanford, he 11:03:17
3 joined SpaceX in 2003 or 2004, only a year or two 11:03:22
4 after the company was created. 11:03:29

5 Q. And he is still with The Boring Company? 11:03:31

6 A. Yes. 11:03:33

7 Q. So he's been around for a number of 11:03:34
8 years? 11:03:36

9 A. Yeah. Very smart guy. 11:03:37

10 Q. Do you find him to be a respected and 11:03:40
11 trusted employee? 11:03:42

12 A. I really don't think of people as 11:03:44
13 employees to be totally frank, but I worked with -- 11:03:45
14 Steve Davis could do anything he wants. So it's 11:03:48
15 like I wouldn't call him my employee. He could 11:03:50
16 go -- 11:03:52

17 Q. Talented guy? 11:03:52

18 A. Very talented guy. 11:03:54

19 Q. Trust him? 11:03:54

20 A. So he could do anything he wants, yeah. 11:03:55

21 Q. Respect his judgment? 11:03:59

22 A. Yeah. Not in all things, but yeah. His 11:04:00
23 technical judgment. 11:04:00

24 Q. Anything about his judgment that stands 11:04:02
25 out to you that you have a little bit of an issue 11:04:05

1 with? I remember you had one lady you thought was 11:04:07
2 really sensitive to media. 11:04:10
3 I'm just asking you similarly: Is there 11:04:11
4 anything about Mr. Davis where in your judgment his 11:04:12
5 judgment is not quite as solid in your mind? 11:04:17
6 A. Well, I think his engineering judgment is 11:04:21
7 very good. You know, I mean, I really never had 11:04:26
8 any kind of sort of social judgment discussions 11:04:33
9 with him, but it's like we have had many design -- 11:04:39
10 engineering design discussions. 11:04:43
11 Q. Any media discussions about how to deal 11:04:45
12 with the media? 11:04:49
13 A. Nothing in a serious -- nothing serious, 11:04:50
14 no, where we sold some hats and flamethrowers, you 11:04:52
15 know. 11:04:54
16 Q. So what about Elissa? Who is that? 11:04:57
17 A. Elissa Butterfield. She was my 11:05:02
18 assistant. 11:05:05
19 Q. How long has she -- was she your 11:05:07
20 assistant? 11:05:08
21 A. I think it's three or four years. She 11:05:10
22 still works at SpaceX and works -- is currently 11:05:16
23 running events and merchandise, I believe. 11:05:20
24 Q. Marketing person? 11:05:24
25 A. Sort of a marketing person. Sort of 11:05:25

1 operations get-it-done sort of person. 11:05:28

2 Q. And have you found her to be a loyal and 11:05:30

3 respected employee? 11:05:37

4 A. Yes. 11:05:38

5 Q. Trust her judgment? 11:05:39

6 A. Generally, yes. 11:05:41

7 Q. Anything that jumps out about her 11:05:42

8 judgment that might cause you some concern? 11:05:47

9 A. No. 11:05:50

10 Q. And now we get to Omead. 11:05:50

11 A. Omead. 11:05:59

12 Q. Who is Omead? 11:06:01

13 A. Omead, primarily -- well, I shouldn't say 11:06:04

14 primarily. He works at Tesla. And he works in my 11:06:04

15 executive office at Tesla. He is an engineer; 11:06:17

16 great -- a technical problem solver. 11:06:19

17 Q. How long has he been with your company -- 11:06:27

18 one of your companies? 11:06:29

19 A. I think it's been about three years. 11:06:31

20 Q. Find him to be someone you can respect 11:06:33

21 and trust? 11:06:35

22 A. Yes. I mean, as with Steve Davis, our 11:06:36

23 interactions are primarily regarding engineering 11:06:38

24 and manufacturing and solving technical problems. 11:06:41

25 Q. Any issues with his judgment? 11:06:47

1	A.	No.	11:06:49
2	MR. WOOD:	What number are we on?	11:06:49
3	THE REPORTER:	38 is next.	11:06:49
4	MR. WOOD:	Mark this as 38.	11:06:49
5	(Exhibit 38 was marked for		11:06:49
6	identification.)		11:06:49
7	BY MR. WOOD:		11:07:28
8	Q.	The court reporter has handed you what	11:07:28
9	has been marked for purposes of identification to		11:07:31
10	your deposition, Mr. Musk, as Exhibit 38.		11:07:34
11	If you'll take a moment. Look over that		11:07:35
12	document. And my question is: Are you familiar		11:07:38
13	with those tweets?		11:07:40
14	A.	Yes.	11:07:47
15	Q.	Those tweets were published by you on	11:07:47
16	Twitter on July 15, 2018, true?		11:07:50
17	A.	Yes.	11:07:55
18	Q.	Did you write them yourself?	11:07:56
19	A.	Yes.	11:07:57
20	Q.	Did anyone give you any input into the	11:08:00
21	wording of those tweets?		11:08:02
22	A.	No.	11:08:04
23	Q.	Did anyone review those tweets for you	11:08:05
24	before you published them on Twitter?		11:08:10
25	A.	No.	11:08:13

1 MR. WOOD: Did I just misstate the 11:08:13
2 exhibit number? Is it 38 or 39? 11:08:13
3 THE REPORTER: 38. Did I write 39? It's 11:08:13
4 38. 11:08:13
5 MR. SPIRO: We have no objection to you 11:08:13
6 correcting it later, obviously. 11:08:13
7 Yeah, we have no objection to you 11:08:13
8 correcting it later. 11:08:13
9 BY MR. WOOD 11:08:13
10 Q. Well, Exhibit 38. Three tweets that you 11:08:13
11 published on Twitter July 15, 2018, right? 11:08:43
12 A. Yes. 11:08:48
13 Q. Before you published those tweets, had 11:08:51
14 you received any expressions of concern from 11:08:56
15 principals at Tesla or SpaceX about 11:09:04
16 Vernon Unsworth? 11:09:12
17 A. No. Never heard of him. 11:09:14
18 Q. After those tweets on Exhibit 38, did you 11:09:17
19 receive any communications from any of the folks at 11:09:22
20 Tesla or SpaceX or any of your other companies 11:09:27
21 expressing concern about the tweets set forth in 11:09:31
22 Exhibit 38? 11:09:36
23 MR. SPIRO: Objection; relevance. 11:09:37
24 THE WITNESS: Certainly there were, I 11:09:43
25 think, many expressions of concern, yeah. 11:09:45

1 BY MR. WOOD: 11:09:49

2 Q. What was the nature of the concerns -- 11:09:49

3 the share price took a hit after these tweets? 11:09:52

4 A. I guess, yeah. 11:09:58

5 Q. 4 percent? Does that sound right? 11:09:59

6 A. Sounds about right. 11:10:02

7 Q I mean, not a good day. I mean, not as

8 bad as -- worse than yesterday, but not a good day. 11:10:06

9 Did you feel like the drop in the stock 11:10:06

10 had some nexus to your tweets about Mr. Unsworth? 11:10:08

11 A. It's hard to say what drives the stock. 11:10:14

12 It randomly goes up and down. As Warren Buffet 11:10:17

13 says -- I'm sorry. Do you need a minute? 11:10:23

14 Q. I'm sorry. 11:10:26

15 A. As Warren Buffet says, having a -- being 11:10:27

16 a publicly traded stock is like having some manic 11:10:32

17 depression person at the border of your house just 11:10:34

18 yelling out house prices every day. 11:10:38

19 It can be -- it may or may not be related 11:10:40

20 to the reality, but actually most of it -- it's not 11:10:45

21 like the, you know, house or company's actually 11:10:49

22 changed their value; it's just the betting on Wall 11:10:53

23 Street changed. 11:10:57

24 Q. Do you know Mr. Buffet? 11:10:59

25 A. I have talked to him on a number of 11:11:01

1 Q. Is that right? 11:11:42

2 A. Yes. 11:11:43

3 Q. And whether or not you connected the 11:11:44

4 stock drop or not, some people did? 11:11:47

5 A. Some people -- people -- this generally 11:11:52

6 occurs where the stock will move up or down and 11:11:54

7 there will be some event, but this is what I mean 11:11:57

8 by referring to Buffet's statement that the stock 11:12:03

9 market is like, you know, with a manic depressive. 11:12:06

10 It moves whether there is news or not. 11:12:10

11 And if there is some news -- the press will often 11:12:14

12 interpret it as the price moving just due to the 11:12:20

13 news, because they don't have anything else to go 11:12:23

14 on. But it's really -- actually, most of the time 11:12:25

15 it is not related to the news. 11:12:28

16 It's more related to some investor woke 11:12:30

17 up this morning and decided the company was more or 11:12:34

18 less valuable, changed their portfolio allocation, 11:12:36

19 but it is not related specifically to the news. 11:12:39

20 Most of the time it's just -- even if 11:12:43

21 there was no news whatsoever about a company, you 11:12:45

22 would still see significant price movements. 11:12:48

23 Q. Well, the price movement after your pedo 11:12:50

24 guy tweet, at least in market value -- it was about 11:12:54

25 a \$2 billion hit to the company, true? 11:12:57

1 A. 4 percent is perhaps a better way to look 11:13:04
2 at it. If -- 4 percent is not a particularly 11:13:07
3 unusual movement for Tesla. There have been many 11:13:11
4 changes in value far in excess of that on a daily 11:13:14
5 basis. 11:13:19
6 Q. While you weren't concerned that the drop 11:13:20
7 had related to the tweet, others did have some 11:13:22
8 concern. Would that be a fair statement? 11:13:25
9 A. Others did have some concern, yes. 11:13:27
10 Q. In fact, you kind of thought they were 11:13:29
11 panicking? 11:13:31
12 A. That's correct. 11:13:32
13 Q. And you said you know, stop panicking? 11:13:32
14 A. Yeah. Don't panic. Number one rule. 11:13:36
15 Q. Number what? 11:13:39
16 A. Number one rule. Don't panic. 11:13:39
17 Q. Don't panic. I won't bore you with the 11:13:45
18 guy in the seventh grade who came to our elementary 11:13:45
19 school and he taught first aid. He was a big guy 11:13:45
20 with a great voice, and anything that he described 11:13:48
21 to you, he started off by saying "Don't panic." 11:13:52
22 A. That's right. 11:13:59
23 Q. Snake bites you; don't panic. Slice your 11:13:59
24 arm; don't panic. 11:14:00
25 So that's kind of your mantra: Don't 11:14:01

1 just caused a lot of strife that was unnecessary. 11:16:41

2 Q. What strife? 11:16:47

3 A. Just, you know, a lot of negativity, 11:16:49

4 negative press. Grief. Probably caused 11:16:51

5 unreasonable grief to Unsworth as well, you know. 11:16:57

6 I -- 11:17:00

7 Q. Are you talking about your tweets? 11:17:00

8 A. Yeah. 11:17:03

9 Q. Yeah. So just so it's clear -- so did 11:17:03

10 you feel genuinely remorseful about what you had 11:17:06

11 said about Mr. Unsworth suggesting that he was a 11:17:11

12 pedophile? 11:17:15

13 A. I did not suggest he was a pedophile. 11:17:17

14 Q. Strike that. 11:17:17

15 A. I -- 11:17:17

16 Q. Strike that. 11:17:17

17 Did you feel genuinely remorseful about 11:17:17

18 describing Mr. Unsworth as a pedo guy? 11:17:23

19 A. I felt -- I felt remorseful for -- you 11:17:26

20 know, insulting this guy and for the grief that it 11:17:29

21 caused the people of my companies who had tried 11:17:39

22 hard especially to do some good for these kids. 11:17:42

23 Q. Well, you had heard from some people with 11:17:45

24 your companies, and they were not happy with you, 11:17:47

25 were they, Mr. Musk? 11:17:49

1 A. No. They were dismayed. This is true. 11:17:52

2 Q. By your tweets and use of "pedo guy"? 11:17:56

3 A. Yes. 11:17:59

4 Q. And so this was in part to respond to 11:18:00

5 their concerns. You decided to publish this 11:18:06

6 explanation of what you did and why, right? 11:18:10

7 A. I mean, I could have not done it. It 11:18:13

8 would have been -- I mean, the companies would have 11:18:16

9 gone about their business. Nobody was making me do 11:18:18

10 it. But I did feel bad about having done it. I 11:18:21

11 should not have done it. 11:18:24

12 Q. Do you feel bad about having done it to 11:18:27

13 Vernon Unsworth? 11:18:29

14 A. In part. Although -- that's part of it. 11:18:30

15 It's not the main reason, but it's part of it, yes. 11:18:33

16 Q. What is the other part? 11:18:36

17 A. Well, mostly I feel bad for the team who 11:18:40

18 worked so hard to try to help those kids. And, you 11:18:44

19 know, they worked day and night to do some good, 11:18:48

20 and you know, that tweet made them sad, and that 11:18:56

21 wasn't good. 11:19:01

22 Q. Well, I understand that. And you 11:19:03

23 expressed that when you say "apologize to the 11:19:05

24 companies I represent as leader," right? But I 11:19:07

25 want to talk about Mr. Unsworth. When you 11:19:12

1 A. Of course. 11:21:34

2 Q. -- wouldn't you? 11:21:34

3 A. Of course. 11:21:36

4 Q. Because I think you would agree with me, 11:21:37

5 Mr. Musk, there is probably very little in this 11:21:38

6 life that is worse, more heinous than an adult who 11:21:42

7 would take sexual advantage of a minor child, true? 11:21:47

8 A. I think murdering people is worse. 11:21:53

9 Q. I don't know. The murder victim doesn't 11:21:55

10 have to live with it. The victim of pedophilia 11:21:57

11 lives with it all their lives. 11:21:58

12 So I won't debate it with you, so perhaps 11:22:02

13 you want to put murder ahead of that. 11:22:04

14 A. Serial killers, cannibals, yeah, that 11:22:07

15 kind of thing. 11:22:07

16 Q. So would you say that pedophilia is right 11:22:09

17 up there with serial killers and murders? 11:22:10

18 A. It's pretty bad. 11:22:15

19 Q. It is despicable. 11:22:18

20 A. It is. 11:22:18

21 Q. It's disgusting. 11:22:18

22 A. Agreed. 11:22:22

23 Q. It is not to be tolerated in a civilized 11:22:22

24 society to have adults engaged in sexual activities 11:22:26

25 or fantasies about minor children. It's just not 11:22:31

1 proper in any form or fashion, true? 11:22:35

2 A. True. You sound a bit like Bill Clinton, 11:22:38

3 but yes. 11:22:43

4 Q. I don't know if that's a compliment or 11:22:43

5 not. But you know what? 11:22:47

6 A. Just the way you said it. 11:22:47

7 Q. I'm going to take it -- I'm going to take 11:22:47

8 it as a compliment. 11:22:48

9 A. Probably a mixture. 11:22:50

10 Q. Hmm? 11:22:52

11 A. Probably a mix. 11:22:53

12 Q. I'm just kidding you. 11:22:54

13 A. It's a mixed bag. 11:22:54

14 Q. I probably should reflect on that. You 11:22:54

15 aren't here to compliment me, huh? So we'll let 11:22:56

16 that one go. I'll just take it as a compliment. 11:22:58

17 A. Yeah. 11:23:05

18 Q. I mean, I just can't -- but after you 11:23:06

19 published this statement on -- this was on the 17th 11:23:18

20 of July. This was literally two days after you had 11:23:24

21 described him or insulted him by saying he was a 11:23:27

22 pedo guy, right? 11:23:31

23 A. Yeah. 11:23:33

24 Q. You said at the end "The fault is mine 11:23:36

25 and mine alone." Your words, right? 11:23:37

1	A.	Yes.	11:23:40
2	Q.	Did you mean that?	11:23:40
3	A.	Yes.	11:23:41
4	Q.	That was sincere?	11:23:42
5	A.	Yes.	11:23:42
6	Q.	Do you still feel that way today?	11:23:43
7	A.	Yes.	11:23:46
8	Q.	You don't put any fault on Mr. Unsworth.	11:23:46
9		The fault is mine and mine alone, right?	11:23:50
10	A.	Actually, I think I was referring to	11:23:54
11		anyone associated with the company. I do have -- I	11:23:57
12		do think there is some fault of Unsworth, of	11:23:58
13		course, because he did an unprovoked attack and	11:24:03
14		lied on CNN about me. So is there some fault of	11:24:07
15		Unsworth. Of course. But did that justify me	11:24:12
16		insulting him back? No.	11:24:16
17	Q.	Let me see if I -- help me make sure I	11:24:18
18		understand what you're telling me. When you say	11:24:22
19		"The fault is mine and mine alone," were you saying	11:24:23
20		that as it relates to the employees of my	11:24:26
21		companies --	11:24:31
22	A.	Yes. No one else at the companies --	11:24:32
23	Q.	It was my fault and mine alone, and	11:24:32
24		nothing with respect to the people at the	11:24:35
25		companies, right?	11:24:37

1	A. That is correct. No one at the	11:24:37
2	company -- no one else at the companies was to	11:24:39
3	blame or in any way responsible for my	11:24:41
4	counter-insult to Unsworth.	11:24:46
5	Q. So then when you said "The fault is mine	11:24:50
6	and mine alone," you were not intending to refer to	11:24:52
7	Mr. Unsworth with that statement; is that true?	11:24:56
8	A. In that particular statement I was	11:24:59
9	referring to the prior statement of the companies I	11:25:00
10	represented as leader.	11:25:02
11	Q. Not Mr. Unsworth?	11:25:03
12	A. Correct. I would not regard Unsworth as	11:25:06
13	fault-free.	11:25:10
14	Q. Would you describe him as being at fault	11:25:11
15	for what you said?	11:25:13
16	MR. SPIRO: You can answer that.	11:25:17
17	THE WITNESS: He is partly at fault.	11:25:18
18	BY MR. WOOD:	11:25:19
19	Q. And you felt that way at the time you	11:25:19
20	published this tweet on the 17th. You weren't	11:25:21
21	saying the fault is mine and not Vernon Unsworth's.	11:25:23
22	You were only saying the fault is mine and not the	11:25:29
23	fault of anybody with my companies, true?	11:25:33
24	A. That is correct.	11:25:36
25	Q. Because you thought he was at fault?	11:25:36

1 Q. Well, so you were saying "I am sorry, 11:28:12
2 Mr. Unsworth, for saying what I said, but you were 11:28:15
3 at fault for setting up a situation where I said 11:28:20
4 it." 11:28:23

5 Would that be accurate? 11:28:23

6 A. I was apologizing without any conditions. 11:28:25
7 It was an unreserved apology; no question about 11:28:29
8 that. 11:28:34

9 The -- you know, his bad behavior does 11:28:34
10 not excuse my bad behavior. And it would have 11:28:41
11 been -- so just because somebody does something bad 11:28:46
12 and there's an unprovoked attack and lies about 11:28:49
13 you, doesn't mean that you should insult them back. 11:28:52

14 Q. Well, there were a number of people 11:28:55
15 before Mr. Unsworth or right around the time that 11:28:57
16 his interview was broadcast, you were aware of the 11:28:59
17 fact that there were reports in the media of 11:29:02
18 criticism of your efforts with regard to the cave 11:29:05
19 rescue as a publicity stunt. 11:29:09

20 You were aware of that, weren't you? 11:29:11

21 A. I'm frequently accused of such things, 11:29:13
22 but -- I'm frequently accused of many things. I 11:29:16
23 mean, if you want to see insults, just look at 11:29:17
24 Twitter. Twitter is rife with insults. It is not 11:29:21
25 the most polite place on earth. Twitter is kind of 11:29:25

1 a war zone on insults. It is -- insulting is quite 11:29:32
2 common on Twitter. This is a par for the course. 11:29:38
3 Q. Does that make it right? 11:29:42
4 A. No. 11:29:44
5 Q. Mr. Unsworth didn't insult you on 11:29:44
6 Twitter, did he? 11:29:50
7 A. No, he insulted me on -- with CNN, an 11:29:51
8 international news organization. That's worse. 11:29:51
9 Insults on Twitter are common. Insults to a major 11:29:56
10 international news organization -- this is a much 11:30:02
11 more serious affair. 11:30:04
12 Q. And given that you have -- and I don't 11:30:09
13 want to put the word "frequently." Maybe you tell 11:30:13
14 me what word you would use. Let's just say that 11:30:14
15 you are periodically accused in the media by 11:30:16
16 certain publications or reporters of engaging in 11:30:20
17 publicity stunts. 11:30:23
18 You know that, don't you? 11:30:25
19 A. I am accused of everything by the media, 11:30:27
20 and random people, and thousands of -- I mean, I am 11:30:29
21 accused of good things that I probably shouldn't 11:30:34
22 get credit for. Actually for sure, certainly, I'm 11:30:38
23 often given credit for things I don't deserve. I'm 11:30:42
24 often attacked for things I don't deserve. Or 11:30:44
25 given -- this is a wild world out there. 11:30:48

1 Q. But one of those things that you're 11:30:53
2 frequently attacked for is engaging in publicity 11:30:53
3 stunts. 11:30:57
4 A. I don't engage in publicity stunts. 11:30:58
5 Q. I didn't say whether you did or not. I 11:30:59
6 am saying that you recognize that you are often 11:31:00
7 attacked for engaging in publicity stunts? 11:31:03
8 A. I mean, I find it ironic, because the 11:31:07
9 very media that the vast majority of them who might 11:31:10
10 accuse me of being a publicity stunt are the same 11:31:14
11 ones who are demanding an interview, which I 11:31:16
12 refuse. 11:31:17
13 Q. And I appreciate that. But I'm just 11:31:19
14 trying to establish, sir, the answer to my question 11:31:21
15 is yes. "Yes, Mr. Wood, I have -- in the last 11:31:22
16 several years, I get accused" -- 11:31:26
17 A. It's not Mr. Wood. Just so you know. 11:31:27
18 Q. Don't what? 11:31:27
19 A. Nothing. nothing. 11:31:27
20 Q. I -- I get accused of engaging in 11:31:27
21 publicity stunts, and it's an unfair and untrue 11:31:34
22 accusation, but I've been accused of it. 11:31:38
23 Would that be a correct statement of your 11:31:39
24 testimony? 11:31:40
25 A. I'm been accused of many things; that's 11:31:41

1 one of them. 11:31:44

2 Q. That's one of them? 11:31:45

3 A. Yeah. 11:31:47

4 Q. And it's -- you know, I use the phrase 11:31:47

5 "It's like let it run off your back like water on a 11:31:47

6 duck's back." You ever heard that idiom? 11:31:49

7 A. Yeah. This is more like acid off a 11:31:52

8 duck's back. 11:31:55

9 Q. It's what? 11:31:55

10 A. It feels more like acid off a duck's 11:31:55

11 back. 11:31:56

12 Q. When somebody accuses you of a publicity 11:31:57

13 stunt? 11:32:00

14 A. Yes. It rolls off, but it hurts. 11:32:02

15 Q. But you get that from a lot of people 11:32:04

16 other than the one time Mr. Unsworth said it, true? 11:32:06

17 A. Yes. 11:32:12

18 Q. And have you ever had anybody tell you to 11:32:12

19 shove it up your ass? 11:32:17

20 A. Not specifically, no. I don't recall 11:32:19

21 that exact phrase or a phrase quite like that, no. 11:32:22

22 Q. Stick it where the sun don't shine? 11:32:26

23 A. No. Actually, now that you mention it, 11:32:30

24 I've not heard that phrase. 11:32:30

25 Q. You have never used that phrase? 11:32:32

1	A.	It's not an idiom I use, no.	11:32:33
2	Q.	But you know it's an idiom?	11:32:38
3	A.	Yes. It is physically impossible, of	11:32:41
4		course.	11:32:44
5	Q.	Pardon?	11:32:44
6	A.	It's physically impossible, so yes.	11:32:44
7	Q.	Well, I don't know if it's physically	11:32:52
8		impossible or not, but I understand what you are	11:32:53
9		telling me.	11:32:56
10	A.	You are insulting me?	11:32:57
11	Q.	I'm sorry?	11:33:02
12	A.	Are you insulting me?	11:33:03
13	Q.	What makes you think I was insulting you?	11:33:05
14	A.	I don't know.	11:33:05
15	Q.	Mr. Musk, I have lot of things to do in	11:33:05
16		life, but insulting you is just not something I	11:33:06
17		care about doing.	11:33:08
18	A.	Okay.	11:33:10
19	Q.	If I wanted to insult you, sir, I'd	11:33:10
20		probably know how to do. I'm just here to ask	11:33:11
21		questions, representing my client, to get the truth	11:33:13
22		from you. That's all. So if I say something you	11:33:17
23		think is an insult, please -- I don't mean for it	11:33:20
24		to be.	11:33:23
25	A.	I was just curious.	11:33:23

1 Q. If I do -- I'll make you a deal. If I 11:33:23
2 decide to insult you, I'll go "Mr. Musk, I'm 11:33:24
3 getting ready to insult you." 11:33:26
4 A. I'll take your words at face value. 11:33:29
5 Q. I'm not here to do that. Do you feel 11:33:30
6 insulted? 11:33:35
7 A. Not really. 11:33:36
8 Q. 39. Look at the first tweet, 11:38 p.m. 11:33:39
9 A. Yes. 11:33:43
10 Q. Would it be fair to say that in that 11:33:43
11 first tweet on the 17th of July, Exhibit 39, that 11:33:53
12 you were conveying blame on the part of 11:33:58
13 Mr. Unsworth for what had happened and what you had 11:34:03
14 said? 11:34:06
15 A. Yeah. 11:34:19
16 Q. I'm sorry? 11:34:19
17 A. Yes. I think, you know, he was -- I was 11:34:19
18 upset with Unsworth for saying things that weren't 11:34:27
19 true and using this metaphor, telling me to shove 11:34:31
20 this up my ass -- shove the sub up my ass, 11:34:38
21 basically. 11:34:39
22 Q. Stick it where it hurts? 11:34:40
23 A. Yeah. 11:34:43
24 Q. And you blamed him because he provoked 11:34:43
25 you that led you to refer to him as pedo guy; is 11:34:47

1 that right? 11:34:52

2 A. He upset me greatly with his lies and 11:34:56

3 insults that were unprovoked. 11:35:00

4 Q. So and you're making that clear -- 11:35:02

5 A. Statement of fact. 11:35:04

6 Q. -- in your first email or tweet on the 11:35:05

7 17th of July on Exhibit 39, you are clearly 11:35:08

8 conveying that you felt like Mr. Unsworth was in 11:35:11

9 part at fault or to blame for what you said, right? 11:35:16

10 A. I was essentially saying that his insults 11:35:22

11 and lies are what led to me insulting him back, but 11:35:29

12 his insults and lies do not justify me insulting 11:35:35

13 him back. As my mother said, it's just best not to 11:35:40

14 respond in these situations. 11:35:43

15 Q. But you were conveying, look "I accept 11:35:45

16 that I'm at fault in part, but also Mr. Unsworth 11:35:49

17 was also at fault"? 11:35:54

18 A. Definitely. He's definitely at fault. 11:35:55

19 Q. So it was, in your words, you would have 11:35:56

20 been saying "I want to apologize to you, 11:35:58

21 Mr. Unsworth, for what you in part caused"? 11:36:02

22 A. No. It's -- make sure people understand. 11:36:05

23 This guy attacked me first; he insulted me first. 11:36:13

24 He was super rude and lied. 11:36:17

25 That said, my insult back to him is not 11:36:18

1 Q. Did you think when he said it was just a 11:39:09
2 PR stunt that that was an attack on you, Elon Musk? 11:39:11
3 A. Attack on me and my team and everyone who 11:39:16
4 tried to be helpful. 11:39:21
5 Q. So the insult part was directed, you 11:39:23
6 felt, toward you, and that that was the "stick it 11:39:26
7 where it hurts"? 11:39:27
8 A. Yes. 11:39:29
9 Q. Talking about your tube. 11:39:30
10 A. That was directed at me, yes. 11:39:32
11 Q. Do you know what the idiom means when you 11:39:32
12 tell somebody to "stick it where the sun doesn't 11:39:37
13 shine" or "stick it where it hurts" or "stick it up 11:39:40
14 your ass"? 11:39:41
15 Do you know what that generally is meant 11:39:41
16 to convey? Figuratively, I guess I should say? 11:39:44
17 A. I think it's especially an idiomatic 11:39:55
18 expression for bullshit something. 11:39:56
19 Q. Bullshit? 11:39:59
20 A. Yeah. 11:40:00
21 Q. He was calling bullshit on your tube? 11:40:00
22 A. Yeah. 11:40:03
23 Q. And you took that as a personal attack? 11:40:03
24 A. Of course. And an attack on my team as 11:40:07
25 well. 11:40:10

1 Q. Right. How many members of your team are 11:40:11
2 presently working on the minisub? 11:40:14
3 MR. SPIRO: Presently? 11:40:17
4 MR. WOOD: Presently. 11:40:17
5 MR. SPIRO: Today you mean? 11:40:17
6 THE WITNESS: Why on earth would they be 11:40:17
7 working on it now? 11:40:17
8 MR. WOOD: Let's start with today. 11:40:17
9 MR. SPIRO: I Just want to make sure I 11:40:21
10 understand the question. 11:40:22
11 MR. WOOD: No, no, no. You understood it 11:40:24
12 exactly. 11:40:25
13 THE WITNESS: Why on earth would they be 11:40:26
14 working on this now? Of course not. 11:40:26
15 BY MR. WOOD: 11:40:30
16 Q. When did they last -- 11:40:30
17 A. The minisub was made -- the Thai Navy 11:40:33
18 thought it was great. They saw that they could 11:40:39
19 possibly use it in the future, and so it is 11:40:41
20 currently owned by the Thai Navy. 11:40:46
21 Q. Right. I got that. You left it there. 11:40:49
22 A. Yeah. 11:40:50
23 Q. Did you bring the inflatable one back? 11:40:50
24 A. I'm not sure. We may have left that 11:40:53
25 there or -- I'm not sure. 11:40:56

1 Q. So all I -- and I was precise about 11:40:58
2 today. But let's talk about since your guys left 11:40:59
3 there -- or girls. How many members of your team 11:41:03
4 were there when you arrived? They had gone out 11:41:06
5 there a couple days earlier? 11:41:07
6 A. Yeah, there were five to ten people. I'm 11:41:09
7 not sure how many -- I got there very late at 11:41:14
8 night, so I don't know how many people were there 11:41:17
9 exactly, but there were five to ten, I think. 11:41:19
10 Q. And you left very early the next morning? 11:41:20
11 A. Yes. 11:41:23
12 Q. Those folks, however many it was -- they 11:41:26
13 pulled out after the kids and the coach were 11:41:27
14 successfully rescued -- 11:41:29
15 A. That's right. 11:41:31
16 Q. -- without the use of the tube. They 11:41:31
17 came home? 11:41:33
18 A. Yes. 11:41:35
19 Q. My question is: Since the time that they 11:41:37
20 returned to their regular task at their companies, 11:41:39
21 your companies, has there been any work done on 11:41:43
22 trying to further test, refine, or develop this 11:41:49
23 minisub in the event of a future rescue that might 11:41:58
24 be underwater? Have you done anything else on the 11:42:04
25 tube at all? 11:42:08

1	A.	Since then, no.	11:42:09
2	Q.	So you worked on it. You took it over	11:42:12
3		there. It wasn't used. The children, thank God,	11:42:13
4		and the coach were safely rescued. You went to --	11:42:17
5		where did you go?	11:42:24
6	A.	I went to --	11:42:24
7	Q.	You went to Shanghai afterwards, didn't	11:42:24
8		you?	11:42:27
9	A.	Yes.	11:42:28
10	Q.	Your folks came home. And your companies	11:42:29
11		and your employees have never since that time ever	11:42:31
12		done anything further with respect to the	11:42:34
13		minisub --	11:42:37
14		MR. SPIRO: Objection as to form.	11:42:39
15		BY MR. WOOD:	11:42:39
16	Q.	-- or the theory of the minisub, true?	11:42:39
17		MR. SPIRO: Objection as to form.	11:42:42
18		You can answer.	11:42:43
19		BY MR. WOOD:	11:42:44
20	Q.	True?	11:42:45
21	A.	No, I think there was some work after --	11:42:45
22		after the rescue there was ongoing correspondence	11:42:47
23		with the Thai Navy, but then everyone went back to	11:42:51
24		their normal job, which is designing and building	11:42:55
25		rockets or electric cars.	11:42:58

1 Q. And you knew that? 11:46:50

2 A. If it had not been for the Thai Navy SEAL 11:46:54

3 dying, and it hadn't been for the monsoon coming, 11:46:58

4 we wouldn't -- there wouldn't have been any need to 11:47:02

5 help. I just thought, well, I tried -- I tried -- 11:47:05

6 I was urged by many people on Twitter to say like, 11:47:09

7 hey, isn't there something you could do. 11:47:13

8 And I was like, I'm sure they've got it 11:47:14

9 under control. I'm sure there's not going to be 11:47:17

10 any need for me to do anything. And then that is 11:47:19

11 when the Thai Navy SEAL died, and then they said 11:47:22

12 the monsoon is coming. And then I checked with 11:47:25

13 Stanton and a few others. And Stanton said "Yes, 11:47:29

14 we could really use your help." I checked with the 11:47:33

15 Thai government, and they said "Yes, we could 11:47:37

16 really use your help." So I said "Okay, we better 11:47:40

17 take action then." 11:47:43

18 Q. You reached out to them -- 11:47:44

19 A. True. 11:47:45

20 Q. -- to offer your help? 11:47:46

21 A. No. I was asked repeatedly on social 11:47:48

22 media to help. 11:47:53

23 Q. But not by the Thai officials or 11:47:54

24 Rick Stanton? Just by Twitter folks saying "Is 11:47:56

25 there anything you can do, Elon"? 11:47:57

1 A. There were some people in the Thai 11:48:01
2 government who asked. 11:48:03
3 Q. Who? 11:48:09
4 A. A member of their space agency or team -- 11:48:10
5 Thai space team. 11:48:13
6 Q. Once you landed with -- well, you flew 11:48:15
7 into where? 11:48:17
8 A. I believe it was the Chiang Rai airport. 11:48:18
9 Q. And then you went immediately to the 11:48:20
10 cave, or did you first meet with someone at the 11:48:23
11 airport? 11:48:27
12 A. The prime minister insisted on meeting 11:48:27
13 with me. 11:48:30
14 Q. And how long did that meeting last? 11:48:30
15 A. I think about a half an hour. 11:48:34
16 Q. What was the substance of that 11:48:36
17 discussion? What did he say to you? What did you 11:48:38
18 say to him? 11:48:40
19 A. He wanted to thank me for these efforts, 11:48:42
20 and express appreciation of the people of Thailand. 11:48:45
21 This did not delay our progress to the 11:48:50
22 cave, so we were unloading the sub, getting it on 11:48:53
23 transport. This is no way delayed our progress. 11:48:56
24 Q. Right. I'm not suggesting that it did. 11:48:59
25 A. It was not my interest to meet with the 11:49:03

1 sir? 11:59:13

2 A. I think Rick Stanton may have said some 11:59:14

3 additional testing would be needed. 11:59:16

4 (Exhibit 40 was marked for 11:59:19

5 identification.) 11:59:19

6 BY MR. WOOD: 11:59:30

7 Q. Let me hand you -- is this 40? 11:59:31

8 You see Exhibit 40 that's been marked for 11:59:33

9 purposes of identification as such? 11:59:44

10 A. Sure. 11:59:46

11 Q. Are you familiar with that document? 11:59:47

12 A. Yes. 11:59:48

13 Q. That's a tweet that you posted on 11:59:50

14 July 15th at 11:11 a.m.? 11:59:51

15 A. Yes. 12:00:01

16 Q. Your words? 12:00:02

17 A. Yes. 12:00:03

18 Q. Anybody help you write that tweet? 12:00:04

19 A. No. 12:00:06

20 Q. Anybody review that tweet before you 12:00:07

21 published it? 12:00:09

22 A. No. 12:00:11

23 Q. "Betcha a signed dollar it's true." 12:00:11

24 Have I read it correctly? 12:00:15

25 A. Yes. 12:00:17

1 Q. What was "it's"? What was the "it" you 12:00:18
2 were referring to when you said "it's true"? 12:00:24
3 "Betcha a signed dollar it's true"? 12:00:26
4 A. Oh, that Unsworth was a creepy pedo guy. 12:00:32
5 Q. That he was a pedophile? 12:00:39
6 A. I mean, obviously this is not a 12:00:40
7 high-stakes bet. 12:00:41
8 Q. I'm not suggesting it's a high-stakes 12:00:43
9 bet. I'm just simply trying to find out: You say 12:00:45
10 on Twitter "Betcha a signed dollar it is true." 12:00:47
11 Right? 12:00:52
12 A. Yeah. Essentially I am saying that this 12:00:54
13 is -- who knows what the deal is, but you know, a 12:00:57
14 dollar if it's true; I'll pay you, you pay me, 12:01:02
15 whatever. 12:01:05
16 Q. The "it" that you were referring to is 12:01:06
17 the idea that Mr. Unsworth was a pedophile? 12:01:07
18 MR. SPIRO: Pedo guy. 12:01:14
19 MR. WOOD: You can ask the questions when 12:01:14
20 you want to. That's not my question. 12:01:14
21 THE WITNESS: My point was that is he 12:01:16
22 some pedo guy, whatever. Just a creepy old man. 12:01:18
23 Bet you a dollar it's true. Obviously I'm not 12:01:22
24 certain about this, and nor is it a high-stakes 12:01:26
25 thing. It's just suspicious. 12:01:26

1 BY MR. WOOD: 12:01:29

2 Q. Why would you even say that? 12:01:29

3 A. It was a flippant comment. 12:01:30

4 Q. I thought you were trying to better 12:01:33

5 humanity. Why are you sitting here saying on 12:01:35

6 Twitter "Betcha a signed dollar it's true"? 12:01:36

7 Don't you think people would have come 12:01:38

8 away from that tweet believing that you were 12:01:41

9 conveying the idea that it was true that 12:01:43

10 Mr. Unsworth was a pedo guy? 12:01:48

11 A. No. Because I would have said "It's 12:01:50

12 true," as opposed to "It's suspicious." 12:01:51

13 Q. You said it's true. You didn't -- 12:01:55

14 A. No, I didn't. 12:01:57

15 Q. -- say it's suspicious. 12:01:58

16 "Betcha a signed dollar it is true." 12:01:58

17 What do you see there? 12:02:01

18 A. That is why it is some low-stakes bet. 12:02:02

19 This guy seems suspicious; that's all. It's 12:02:06

20 obviously not a high-stakes bet, nor does a bet 12:02:11

21 convey certainty. A bet conveys maybe this is 12:02:15

22 true; maybe it's not. 12:02:17

23 Q. Have you looked up the urban dictionary 12:02:18

24 or any type of dictionary for what that phrase 12:02:20

25 means "Betcha a signed dollar it's true" or "Bet 12:02:24

1 your bottom dollar it's true"? 12:02:26

2 A. I didn't say bottom dollar. "Bottom 12:02:28

3 dollar" means all your money, but "bet you a 12:02:31

4 dollar" is nothing, basically. 12:02:35

5 Q. Why a signed dollar? It's going to have 12:02:36

6 more value with Elon Musk's signature on it? 12:02:39

7 A. Yeah, I guess. 12:02:44

8 Q. Is what you were conveying? Signed by 12:02:44

9 me? I betcha a signed dollar it's true? 12:02:47

10 A. Yeah, I mean, obviously this is a case 12:02:50

11 where I would be -- yeah, maybe it's true; maybe 12:02:51

12 it's not. It's pretty suspicious. 12:02:52

13 Q. You didn't say maybe it's true; maybe 12:02:54

14 it's not, did you? 12:02:56

15 A. That is what a bet is. 12:02:57

16 Q. But you bet on the side of it being true, 12:02:59

17 right? 12:03:02

18 A. Yeah, some chance. But this is more 12:03:04

19 like, you know, this is like -- this is just saying 12:03:06

20 it's suspicious. It's a likely -- who knows what's 12:03:11

21 going on there. 12:03:15

22 Q. What was -- what were you -- I mean, 12:03:15

23 don't you -- I would think, Mr. Musk, that you're a 12:03:15

24 very goal-oriented person. In other words, you 12:03:17

25 define your objective and you work to achieve it. 12:03:24

1 Would that be a generally true statement 12:03:26
2 about you? 12:03:29
3 A. Yes. But I wouldn't say -- everyone 12:03:29
4 makes mistakes, including me, obviously. 12:03:32
5 Q. It was a mistake what you said about 12:03:35
6 Mr. Unsworth, wasn't it? 12:03:38
7 A. Oh, of course. I said I wish I had not 12:03:41
8 said it. 12:03:43
9 Q. And it was a mistake for you to tweet 12:03:43
10 out, "Betcha a signed dollar it's true." That was 12:03:43
11 mistake too, wasn't it? 12:03:47
12 A. Yeah. 12:03:50
13 Q. Because there was no goal here. I mean, 12:03:50
14 what were you trying -- maybe I should just ask 12:03:51
15 you: What in the world were you trying to 12:03:53
16 accomplish by posting this on Twitter? What was 12:03:54
17 your mission? 12:03:59
18 A. No. I would just regard this as Twitter 12:04:02
19 banter, essentially. 12:04:04
20 Q. But you know Twitter banter sometimes is 12:04:07
21 not just banter; that factual information is 12:04:09
22 conveyed on Twitter, true? 12:04:13
23 A. Twitter is a conversation. And so when 12:04:16
24 there are conversations, sometimes conversations 12:04:18
25 involve banter; sometimes they involve serious 12:04:21

1 matters. It's like a conversation. 12:04:27

2 Q. The rescue of these children was a 12:04:27

3 serious matter, true? 12:04:30

4 A. Of course. 12:04:32

5 Q. And you had posted any number of videos 12:04:32

6 on Twitter to demonstrate the efforts that your 12:04:34

7 people were undertaking to develop the rescue 12:04:38

8 vehicle, right? 12:04:42

9 A. Yes. I thought it would be interesting 12:04:45

10 for people to see what was happening along the way. 12:04:46

11 Q. It was a way of publicizing what you were 12:04:50

12 doing, true? 12:04:52

13 A. I didn't care about publicity. 12:04:53

14 Q. You've never cared about publicity? 12:04:55

15 A. Not particularly. 12:04:57

16 Q. Why did you tell your team to make sure 12:04:59

17 that when the tube arrived and the Navy Thai SEALs 12:05:02

18 were dealing with it in some form or fashion, to be 12:05:07

19 sure and get photographs and videos? 12:05:10

20 A. I don't recall saying that. 12:05:17

21 MR. WOOD: 12:05. Let's break for lunch. 12:05:26

22 THE VIDEOGRAPHER: And we're going off 12:05:31

23 the record at 12:05 p.m. 12:05:35

24 (Recess taken.) 12:05:38

25 THE VIDEOGRAPHER: And we are back on the 12:45:04

1 he learned this, and depending on when he learned 12:53:20
2 it, it is completely irrelevant. 12:53:22
3 BY MR. WOOD: 12:53:24
4 Q. Will you answer my question, please. 12:53:24
5 A. I read, I think, in some news articles, 12:53:27
6 that he had suggested the location. 12:53:30
7 Q. Do you have any idea how many -- 12:53:37
8 A. I don't know if others did too, but he 12:53:39
9 was one of them, certainly. 12:53:41
10 Q. Do you have any information about how 12:54:32
11 many days Vernon Unsworth was on the site working 12:54:41
12 with the other people engaged in the effort? 12:54:46
13 A. I don't know. 12:54:51
14 Q. Do you know how many hours he was there 12:54:51
15 trying to assist in rescuing these boys? 12:54:55
16 A. I don't. 12:55:00
17 Q. You have never seen -- 12:55:00
18 A. I might have seen some estimate of 12:55:03
19 Unsworth's hours. 12:55:06
20 Q. Can we agree that what you have reviewed 12:55:07
21 would have revealed to you that Mr. Unsworth was an 12:55:07
22 important part of the effort to save the boys? 12:55:10
23 A. Based on my reading in the media, he 12:55:16
24 played an important role in identifying the 12:55:17
25 location of the boys. 12:55:20

1 Q. And he understood where the cave 12:55:22
2 system -- he had been in the cave system many times 12:55:24
3 in the seven years prior, and was very familiar 12:55:28
4 with it. In other words, where you might have 12:55:31
5 problems getting through the passageway, things 12:55:34
6 like that? 12:55:39
7 A. I mean, those caves have been mapped 12:55:40
8 since the '60s to my understanding, and many people 12:55:42
9 knew those caves, and he was one of them. 12:55:46
10 Q. Well, you're not trying to take away from 12:55:48
11 Mr. Unsworth's role in this rescue, are you? 12:55:50
12 A. I -- 12:55:53
13 Q. I know you've said he wasn't a diver. 12:55:53
14 A. No. I'm just saying that he's not the 12:55:56
15 only one who knows those caves. 12:55:58
16 Q. Do you believe that Mr. Unsworth should 12:56:01
17 be commended for what he did at that cave system 12:56:02
18 for those boys for several days? 12:56:07
19 MR. SPIRO: Objection; completely 12:56:11
20 irrelevant. 12:56:12
21 BY MR. WOOD: 12:56:12
22 Q. Please answer my question. 12:56:12
23 A. Yes. Yes, I do. 12:56:13
24 Q. He should be commended? 12:56:14
25 A. I agree. 12:56:16

1 A. He probably should have clarified it. 13:01:44

2 Q. How about you? All the articles that 13:01:47

3 came out after your July 15th tweet where they were 13:01:49

4 saying that you had called him a pedophile -- did 13:01:52

5 you ever write one email, make one phone call, lift 13:01:56

6 a finger to correct those people and say "I didn't 13:02:01

7 say that. I just said he was a 'pedo guy' because 13:02:05

8 he was creepy-looking." 13:02:08

9 Did you ever try to correct all the mass 13:02:10

10 of information that was describing you as having 13:02:12

11 called this man a pedophile? 13:02:16

12 A. I didn't call him a pedophile. 13:02:18

13 Q. There was a massive -- there were any 13:02:20

14 number of media reports about you calling him a 13:02:21

15 pedophile. 13:02:24

16 My question is: Did you do anything -- 13:02:24

17 send an email, make a phone call, give an 13:02:27

18 instruction to Jerry Birchall, anything to get that 13:02:32

19 corrected? 13:02:34

20 MR. SPIRO: Just to clarify -- 13:02:36

21 BY MR. WOOD: 13:02:36

22 Q. Saying that you didn't call him a 13:02:37

23 pedophile? 13:02:39

24 MR. SPIRO: -- issue a correction, or you 13:02:40

25 mean anything? Meaning, deleting the tweet, 13:02:41

1 apologizing -- 13:02:43

2 BY MR. WOOD: 13:02:44

3 Q. Contacting the media to say "That's not 13:02:44

4 what I said. That's incorrect." 13:02:47

5 Did do you anything? 13:02:48

6 MR. SPIRO: Well, again, you're -- 13:02:50

7 contacting the media. 13:02:51

8 BY MR. WOOD: 13:02:53

9 Q. Contacting the media. You said he should 13:02:53

10 have contacted the media to correct that he wasn't 13:02:56

11 married to Tik. 13:02:58

12 Did do you anything to try to get the 13:02:58

13 media to correct what you would have tell -- tell 13:03:03

14 me today was this misinterpretation that you had 13:03:06

15 not intended to call him a pedophile? 13:03:09

16 A. Yes. 13:03:11

17 Q. Did you? 13:03:11

18 A. Yes. I apologized on Twitter and said my 13:03:11

19 comments were a mistake. On the other hand, 13:03:16

20 Unsworth has done nothing. 13:03:20

21 Q. Done nothing for what? 13:03:23

22 A. Nothing to correct his statements, his 13:03:24

23 insults, and attacks. Nothing. Nothing. 13:03:26

24 Q. What do you want him to do? He thought 13:03:30

25 your tube was bullshit. He didn't think it would 13:03:37

1 [REDACTED] 13:07:13
2 [REDACTED] 13:07:15
3 [REDACTED] 13:07:20
4 [REDACTED] 13:07:22
5 Q. You got off on -- and I took you there in 13:07:26
6 all fairness. Ryan Mac. Tell me what you know 13:07:28
7 about Ryan Mac. 13:07:33
8 Maybe it's fair -- had you ever done an 13:07:33
9 interview with Ryan Mac before this particular 13:07:37
10 subject matter came up? 13:07:39
11 A. I don't know. I mean, it's possible. I 13:07:42
12 don't recall -- no, I don't believe I've had an 13:07:47
13 interview with Ryan Mac. 13:07:48
14 Q. Did you know who he was? 13:07:50
15 A. A reporter at BuzzFeed. 13:07:51
16 Q. Did you know that he had tweeted about 13:07:52
17 you on many occasions? 13:07:54
18 A. No. 13:07:57
19 Q. You didn't know anything about him, did 13:07:57
20 you, other than he was just a reporter at BuzzFeed? 13:08:01
21 A. There was the email correspondence, 13:08:04
22 obviously. Apart from that, no. 13:08:05
23 Q. You didn't know anything about his 13:08:08
24 reputation, right? 13:08:11
25 A. No. 13:08:14

1 Q. You'd never had any dealings with him 13:08:14
2 where you had developed a relationship with him, 13:08:16
3 true? 13:08:20
4 A. Not with him specifically, but certainly 13:08:23
5 there had been many interactions with BuzzFeed. 13:08:25
6 Q. Right. And now you weren't a BuzzFeed 13:08:28
7 fan? 13:08:30
8 A. No. I mean, it's -- 13:08:31
9 Q. Have you seen their tweets? 13:08:31
10 A. I should take that back. You know, 13:08:33
11 they've got some pretty good listicles. 13:08:34
12 Q. But you've always taken the position that 13:08:38
13 you would not comment to anything BuzzFeed said. 13:08:38
14 A. No. We have commented on BuzzFeed 13:08:42
15 before. 13:08:44
16 Q. You think BuzzFeed is -- do you have a 13:08:45
17 great deal of journalistic respect for BuzzFeed? 13:08:47
18 A. Not particularly. 13:08:52
19 Q. How long has that been true? 13:08:54
20 A. Since I heard of them. They have the 13:08:55
21 name BuzzFeed. 13:08:56
22 Q. How many years ago was that? 13:08:58
23 A. This was -- doesn't -- it's not the most 13:08:58
24 credible name in the world. It's feed the buzz? 13:09:03
25 You know, I mean... 13:09:07

1 Q. How long have you held that kind of 13:09:07
2 opinion of BuzzFeed? Several years? 13:09:10
3 A. I don't think a lot about BuzzFeed. 13:09:15
4 Q. I didn't say you thought a lot about 13:09:17
5 them. I just wanted to find out when you first -- 13:09:17
6 A. I don't have much of an opinion, really, 13:09:19
7 apart from they seem a bit frivolous. 13:09:19
8 Q. So how long has that been your feeling 13:09:24
9 about BuzzFeed? 13:09:27
10 A. Since I heard of them. 13:09:28
11 Q. Which would be about how long? Two, 13:09:29
12 three, four years? Longer? 13:09:31
13 A. Probably, I don't know, about three years 13:09:33
14 ago or something? 13:09:34
15 Q. You didn't think much about them as a 13:09:34
16 journalistic member of the media? 13:09:35
17 A. I don't think they are the New York 13:09:40
18 Times. 13:09:40
19 Q. What? 13:09:40
20 A. I don't think they're the New York Times. 13:09:40
21 Q. Well, I mean, did you have any respect 13:09:42
22 for them as a journalist? 13:09:43
23 A. They have good lists. 13:09:46
24 Q. They what? 13:09:49
25 A. Good lists. 13:09:50

1	A.	My recollection is dozens of times.	13:13:46
2	Q.	Name just one person in the last couple	13:13:49
3		of years. Has it happened in the last couple of	13:13:49
4		years?	13:13:52
5	A.	I think so.	13:13:52
6	Q.	Sorry?	13:13:53
7	A.	I think so.	13:13:53
8	Q.	So do you have the ability to go back and	13:13:53
9		to try to find where you would have sent	13:13:54
10		information to someone saying "off the record"	13:13:56
11		without having talked to them and decided, number	13:13:58
12		one, what does "off the record" mean, and two, do	13:14:00
13		you agree to it? You have done that before?	13:14:04
14	A.	I think so. My recollection is that I	13:14:08
15		have done this several times.	13:14:10
16	Q.	And so you're comfortable under oath	13:14:12
17		stating that you have done that several times?	13:14:15
18	A.	No. I just said I believe I have done	13:14:17
19		this. So I would have to go ahead and check.	13:14:19
20	Q.	You may not have?	13:14:20
21	A.	It's possible. My recollection is that I	13:14:21
22		have, but I would need to confirm it.	13:14:23
23	Q.	Why did you want the information that you	13:14:26
24		sent to Mr. Mac to be off the record?	13:14:29
25	A.	Because I was not sure that it was	13:14:33

1 accurate. But if it was, and we have another 13:14:36
2 Jeffrey Epstein on our hands, then we should find 13:14:40
3 out and take action. 13:14:41

4 Q. Jeffrey Epstein not been in the news 13:14:45
5 since he was convicted in Florida as of August of 13:14:49
6 2018. The new charges against him were in 2019. 13:14:52
7 Do you recognize that? 13:14:55

8 A. Yes. I'm using this as an example of, 13:15:00
9 you know, if this guy is actually doing bad things 13:15:03
10 and could potentially be using the good reputation 13:15:08
11 acquired from the cave rescue to do bad things, 13:15:15
12 then this is something that should be stopped. So 13:15:20
13 shouldn't we like, look into it; find out if it is 13:15:23
14 true. 13:15:26

15 Q. So you wanted Mr. Mac to have the 13:15:27
16 information, right? 13:15:32

17 A. I wanted him to investigate, because I'd 13:15:37
18 heard these -- what sounded like a pretty bad 13:15:40
19 information pattern from this investigator related 13:15:47
20 to me through Jared, and it sounded pretty bad, so 13:15:49
21 maybe this guy has got some serious issues, and if 13:15:54
22 so, we -- they should find out. Just trying to do 13:16:00
23 the right thing here. 13:16:05

24 Q. So but at the time you wrote this 13:16:06
25 information to Mr. Mac, you tell me you didn't know 13:16:07

1 whether it was true or not, right? 13:16:10

2 A. Yes. I specifically said try to find out 13:16:12

3 if this is true. I had been told directly that 13:16:16

4 there were very suspicious situations, that there 13:16:23

5 was -- I had been told by Jared that this 13:16:26

6 investigator had said that -- that it looked quite 13:16:29

7 bad, and that, you know, what he is up to in 13:16:35

8 Thailand sounded pretty bad, so it seems like, if 13:16:41

9 you are a journalist and you care about doing the 13:16:44

10 right thing, you should go and find out if it's 13:16:46

11 true, and if it is, then take action. 13:16:50

12 Q. But sir, the point is, you didn't know 13:16:52

13 whether the investigator's information was true or 13:16:56

14 not or had been verified, right? Isn't that right? 13:17:00

15 A. That's right. That's why I said "Please 13:17:06

16 go and investigate." 13:17:09

17 Q. So why, if you were so interested in 13:17:10

18 Mr. Mac investigating, why did you not tell Mr. Mac 13:17:12

19 the source of your information, what your 13:17:17

20 information precisely was, and ask him to go out 13:17:20

21 and see if he could verify whether it was true? 13:17:24

22 A. Because as soon as he said he was going 13:17:28

23 to ignore my "off the record" -- that, you know, my 13:17:30

24 comments that these were off the record, then he -- 13:17:37

25 this was like this guy obviously cannot be trusted. 13:17:40

1 This is my opinion that he had no journalistic 13:17:44
2 ethics, and so any further correspondence was 13:17:48
3 pointless. 13:17:50

4 Q. Who told you that Mr. Unsworth was a 13:17:52
5 child rapist? Did Jared tell you that? 13:18:01

6 A. No. I didn't say that he was. I think I 13:18:10
7 said we need to find out if he is. 13:18:11

8 Q. Why did you use the term "child rapist"? 13:18:15
9 Who had used that term with you that made you 13:18:18
10 repeat it in your email to Mr. Mac? 13:18:21

11 A. Well, I think anyone who is -- if 13:18:25
12 somebody is sleeping with someone who is 12 years 13:18:27
13 old, I would say that that person is a child 13:18:31
14 rapist. 13:18:32

15 Q. What information did you have at the 13:18:33
16 time -- and that's what you told Mr. Mac in the 13:18:35
17 "off the record," as you called it, email -- that 13:18:38
18 he was a child rapist, married to a 12-year-old 13:18:41
19 child bride, right? 13:18:44

20 A. I told him this is -- you should go and 13:18:46
21 find out if this is true. 13:18:49

22 Q. What were you basing that on? 13:18:51

23 A. I was basing that on what this 13:18:53
24 investigator had told Jared who had told me. 13:18:56

25 Q. Did you ever pick up the phone say "I 13:18:59

1 want to talk to this investigator myself"? 13:19:00

2 A. I did not talk to this guy directly. 13:19:04

3 Q. Did you ever ask to? 13:19:06

4 A. No. I have faith that what Jared was 13:19:09

5 conveying to me was an accurate retelling of this 13:19:11

6 guy. 13:19:15

7 Q. Jared was not the source the information. 13:19:15

8 A. Right. 13:19:18

9 Q. Jared couldn't verify it or not. It had 13:19:18

10 to come from the source. The source was the 13:19:20

11 investigator. You made no effort to -- before you 13:19:22

12 wrote Ryan Mac, you didn't lift a finger to try to 13:19:26

13 find out whether the investigator was telling you 13:19:29

14 the truth or whether the investigator was taking 13:19:31

15 you for a ride for \$52,000, did you, sir? 13:19:34

16 A. This investigator appeared to be 13:19:41

17 credible. I did not make these comments on the 13:19:43

18 record. I didn't mean for them ever to be 13:19:47

19 published in any way, shape, or form. 13:19:48

20 I just -- I'd just been informed of a bad 13:19:50

21 fact pattern. It seems like if a journalist cares 13:19:56

22 about finding out what's going on, they should go 13:20:00

23 and find out what's going on. This is what I've 13:20:02

24 been told. May or may not be true; please 13:20:05

25 investigate. 13:20:08

1 that if I say "off the record," it is off the 13:23:18
2 record. 13:23:21

3 Q. So the answer is "No, Mr. Wood, I didn't 13:23:21
4 do that," right? "And the reason I didn't do that 13:23:23
5 is because I assumed that by writing 'off the 13:23:31
6 record,' he wouldn't put it on the record." 13:23:32

7 Have I got it right? 13:23:34

8 A. I assumed, and I had -- since I've really 13:23:39
9 never had this happen to me before, that if I say 13:23:42
10 "off the record" with a journalist, it is off the 13:23:45
11 record. 13:23:48

12 Q. Sir, you didn't -- one more time. You 13:23:48
13 didn't ask him first before you provided the 13:23:50
14 information whether he would agree with you that it 13:23:54
15 was off the record. You didn't do that, did you? 13:23:56

16 A. That is correct. 13:23:59

17 Q. Because you assumed that Mr. Mac, who you 13:24:01
18 did not know very well if at all -- you just 13:24:05
19 assumed that your statement, unilateral "off the 13:24:08
20 record," would be honored by him, true? 13:24:13

21 A. That is my expectation in dealing with 13:24:18
22 journalists. And so I assumed that statement "off 13:24:21
23 the record" would be treated as such. 13:24:26

24 Q. Have you looked at any search yourself 13:24:30
25 about how the journalistic community generally 13:24:32

1 record at 2:10 p.m. 14:10:26

2 BY MR. WOOD: 14:10:27

3 Q. Mr. Musk, back to Exhibit 38. 14:10:28

4 A. Yes. 14:10:31

5 Q. What was your point in tweeting "Never 14:10:32

6 saw this British expat guy into lives in Thailand 14:10:36

7 (SUS) at any point when we were in the caves." 14:10:40

8 What was the point that you were trying 14:10:44

9 to make? 14:10:46

10 A. That I had no knowledge of this guy. At 14:10:47

11 the time I didn't think he had anything to do with 14:10:50

12 the rescue process at all. I'd never heard his 14:10:52

13 name or seen him. 14:10:58

14 Q. Once you saw, whether it was on Twitter 14:11:00

15 or Google Alerts -- whenever you saw the story 14:11:02

16 first about Vernon Unsworth, you assumed that he 14:11:08

17 had had nothing to do with the rescue, true? 14:11:15

18 A. Yes. 14:11:20

19 Q. Before you tweeted on July the 15th about 14:11:23

20 Mr. Unsworth, had you undertaken any efforts to 14:11:28

21 investigate who he was before you went out and 14:11:35

22 talked about him? 14:11:40

23 A. Yes. I'd sort of tried to sort of 14:11:43

24 search -- do a Google search, yeah. 14:11:46

25 Q. There was nothing there except the 14:11:50

1 interview he gave to CNN International, right? 14:11:52

2 A. That's right. 14:11:55

3 Q. So you didn't have any information about 14:11:56

4 who he was, what he had done, if anything. You 14:11:58

5 didn't look into who Vernon Unsworth was except to 14:12:01

6 take a look at Google search, right? 14:12:04

7 A. Yes. 14:12:09

8 Q. Had you -- 14:12:09

9 A. Obviously I had heard many names 14:12:09

10 associated with the rescue, but so I had assumed 14:12:12

11 that if I had not heard somebody's name at all or 14:12:16

12 seen them, that they were not closely involved with 14:12:21

13 the rescue. 14:12:24

14 Q. Who were the British divers? You 14:12:25

15 mentioned Rick Stanton. Who else were the British 14:12:29

16 divers that you were aware of their names? 14:12:32

17 A. I don't recall their names right now. 14:12:35

18 Q. Who is the name of the prime minister 14:12:36

19 that you met with? 14:12:38

20 A. I do not recall the name of the prime 14:12:40

21 minister. 14:12:44

22 Q. And the Thai Navy SEALs that you met with 14:12:44

23 at the cave when you went -- the Thai Navy Army 14:12:47

24 guys -- can you identify any one of those 14:12:52

25 individuals by name as we sit here today? 14:12:55

1 unfair to Mr. Unsworth, wouldn't you agree? 14:15:43

2 A. That was just a statement of fact. 14:15:46

3 Q. For what purpose? What were you trying 14:15:48

4 to convey with that statement of fact in your 14:15:49

5 Twitter? 14:15:52

6 A. I am saying this is my experience. 14:15:52

7 Q. Did I understand you that you wrote 14:15:59

8 Ryan Mac "Off the record," as you titled it, 14:16:04

9 because you felt like this could be another Jeffrey 14:16:07

10 Epstein. I've gotten this information from the 14:16:11

11 investigator. I don't know whether it's true or 14:16:15

12 not. But you wanted Ryan Mac to investigate it. 14:16:17

13 Is that a fair characterization of your 14:16:20

14 testimony? 14:16:22

15 A. Yeah. 14:16:23

16 Q. And if he discovered that it was true, 14:16:23

17 you fully would have expected him to publish that, 14:16:26

18 true? 14:16:29

19 A. I have expected him to, yes, take some 14:16:29

20 action if -- if this -- you know, Unsworth was up 14:16:32

21 to no good, to bring that to light. 14:16:38

22 Q. Publish it and let folks know, right? 14:16:42

23 A. If true. 14:16:44

24 Q. That's what you thought when you sent it 14:16:45

25 to him? 14:16:48

1	A. Yes.	14:16:48
2	Q. And if he did not find any evidence to	14:16:49
3	support it, did you likewise expect that he would	14:16:52
4	report that. That he had looked into it and could	14:16:55
5	not find any substantiation?	14:16:57
6	A. Yes.	14:16:59
7	Q. So you were relying on Mr. Mac to	14:17:00
8	ascertain whether the accusations against	14:17:02
9	Mr. Unsworth were true or not; is that right?	14:17:08
10	A. When you say "accusations," whether what	14:17:13
11	I had been told by what appeared to be a credible	14:17:16
12	investigator; whether those things were true?	14:17:22
13	Q. He was making the accusations. We can go	14:17:24
14	through it in a minute. He was, wasn't he?	14:17:26
15	MR. SPIRO: Who is "he"?	14:17:30
16	BY MR. WOOD:	14:17:31
17	Q. The investigator.	14:17:31
18	A. Which accusations? I mean, he was saying	14:17:33
19	things that he believed to be true or that he -- he	14:17:36
20	was claiming that he believed these things to be	14:17:38
21	correct, yes.	14:17:42
22	Q. How do you know that he was saying he	14:17:43
23	believed them to be correct?	14:17:45
24	A. This is what Jared conveyed to me.	14:17:47
25	Q. Did Jared convey to you that he himself	14:17:49

1 had complained to the investigator, Mr. Howard, 14:17:52
2 that his information was not verified? 14:17:55
3 A. No. 14:17:58
4 Q. Did Jared tell you that? 14:17:59
5 A. No. 14:18:01
6 Q. Should he have told you that? 14:18:01
7 MR. SPIRO: Objection to form. 14:18:04
8 BY MR. WOOD: 14:18:06
9 Q. Should Jared have told you "I am not get 14:18:06
10 any verification here, Mr. Musk"? 14:18:10
11 A. He did convey later -- as the 14:18:16
12 communication with the investigator continued, I 14:18:19
13 believe Jared did raise some concerns. This is 14:18:22
14 after the Ryan Mac stuff. He raised some concerns 14:18:26
15 like maybe this guy isn't -- maybe this guy is 14:18:31
16 making it up. 14:18:35
17 Q. He was making it up. Didn't you conclude 14:18:36
18 that after -- I know it's after -- 14:18:38
19 A. I did conclude that, because we said 14:18:39
20 "Okay, you've got to produce -- if you keep saying 14:18:43
21 these things, you've got to produce some kind of 14:18:46
22 firm evidence." And he was unable to produce firm 14:18:48
23 evidence. And then he went radio silent on us. 14:18:52
24 Q. He was not able to produce any verified 14:18:57
25 evidence, was he? 14:19:00

1 did you do or Jared do? 14:20:12

2 MR. SPIRO: If you know. 14:20:15

3 THE WITNESS: I don't know what all due 14:20:17

4 diligence Jared did. He claimed to have worked for 14:20:19

5 credible people. 14:20:26

6 BY MR. WOOD: 14:20:28

7 Q. Paul Allen and George Soros. 14:20:28

8 A. That's right. 14:20:31

9 Q. Do you know George Soros? 14:20:32

10 A. I don't know him, no. 14:20:32

11 Q. Do you know Paul Allen? 14:20:33

12 A. He is deceased, but yes. 14:20:35

13 Q. I can't remember when he died. Was he 14:20:37

14 alive in 2018? I think he was. 14:20:37

15 A. I mean, if he was, he was not well. 14:20:42

16 Q. But you did not yourself make any effort 14:20:44

17 to reach out to verify this guy's credibility. 14:20:47

18 This guy being James Howard the investigator. You 14:20:49

19 yourself didn't do anything, right? 14:20:53

20 A. I did not. 14:20:55

21 Q. And to your knowledge, Jared didn't do 14:20:56

22 anything except accept what Mr. Howard had told him 14:20:59

23 about Paul Allen and George Soros, right? 14:21:02

24 A. Yes, that's correct. 14:21:05

25 Q. So whatever the investigator told you 14:21:10

1 about the authorities, you yourself, Elon Musk, or 14:21:13
2 Jared at your direction, did not in any way contact 14:21:17
3 any member of law enforcement to alert them to the 14:21:20
4 possibility this man may be a pedophile committing 14:21:25
5 crimes against minor children; am I right? 14:21:28
6 A. We didn't directly reach out to the 14:21:31
7 authorities. 14:21:33
8 Q. Or indirectly? 14:21:34
9 A. No, indirectly through this investigator, 14:21:36
10 the investigator told us that he had contacted the 14:21:38
11 authorities to find out if there were issues, but 14:21:43
12 obviously in retrospect, he probably just made it 14:21:46
13 up. 14:21:50
14 Q. So but your goal was to have someone look 14:21:51
15 into these very serious statements about 14:21:59
16 Mr. Unsworth to determine whether or not he was a 14:22:03
17 pedophile and might be committing crimes against 14:22:04
18 minor children, true? 14:22:08
19 A. Yeah. 14:22:09
20 Q. Did you ever ask any member of the 14:22:10
21 media -- for example, the New York Times, The 14:22:11
22 Washington Post, CNN -- did you ever yourself ask 14:22:14
23 anyone else in the media besides Ryan Mac to look 14:22:23
24 into what you were learning from this investigator? 14:22:27
25 A. I believe I did suggest on Twitter, and 14:22:30

1 I'm followed by a lot of journalists, that they 14:22:32
2 should just find out whether these things were 14:22:36
3 true; like they should look into it. You've got 14:22:39
4 Drew Olanoff, the Yoda guy, @yoda. It's like, Yo, 14:22:41
5 man, why don't you just like see if there is any 14:22:41
6 veracity to the situation? 14:22:52
7 Q. Well, actually, you tweeted back @yoda? 14:22:53
8 A. Yoda. Yeah. 14:22:56
9 Q. Well, @yoda. That was his name. You 14:22:56
10 made reference to him. 14:23:01
11 A. Yes. 14:23:02
12 Q. Your name is Yoda. You go by Yoda, but 14:23:02
13 you don't seem very yodaish. Something like that. 14:23:03
14 A. That's right. 14:23:05
15 Q. I mean, you tweeted @yoda "Don't you 14:23:10
16 think it's strange that he hasn't sued me," didn't 14:23:12
17 you? 14:23:16
18 A. Yes. 14:23:17
19 Q. Strange in what way? 14:23:19
20 A. Strange implying perhaps there is some 14:23:20
21 guilt there. 14:23:23
22 Q. Right. The tweet that you published in 14:23:24
23 response to Yoda's tweet conveyed that, the idea 14:23:28
24 that here's a guy that's got three lawyers I think 14:23:31
25 you referenced. 14:23:37

1	A. Yes.	14:23:38
2	Q. Don't you think it's strange he hasn't	14:23:38
3	sued me, conveying the idea that this guy may be	14:23:38
4	guilty and that's why he's not suing me, true?	14:23:43
5	A. Yes.	14:23:47
6	Q. That he might in fact be a pedophile,	14:23:47
7	right?	14:23:49
8	A. Possibly.	14:23:52
9	Q. Yeah, I mean, that's what you were	14:23:53
10	conveying?	14:23:54
11	A. Possibly.	14:23:55
12	Q. Well, no, not possibly conveying. When	14:23:56
13	you made that tweet, you were conveying in your	14:23:58
14	mind's eye just what you've told me. It's strange	14:24:01
15	that he hadn't sued me, and it suggests he might be	14:24:04
16	guilty of pedophilia.	14:24:08
17	A. I think --	14:24:10
18	Q. Right?	14:24:10
19	A. You're putting words in my mouth here.	14:24:10
20	Q. I am not trying to do that. I'm trying	14:24:11
21	to -- I think that's what you told me.	14:24:12
22	A. No. I simply said it's strange that -- I	14:24:14
23	meant those words literally. That's strange. That	14:24:19
24	does not mean that he was a pedophile; just means	14:24:22
25	perhaps he has something to hide.	14:24:25

1 going on. Pedophilia being potentially one of 14:25:24
2 those things. 14:25:26

3 Q. That was the issue. That was the issue 14:25:28
4 on the forefront, whether or not he was a 14:25:33
5 pedophile. You were aware that that was the 14:25:35
6 controversy that you sparked with "pedo guy." You 14:25:40
7 know that, don't you, sir? 14:25:43

8 A. The pedo guy was certainly not intended 14:25:48
9 to be any kind of accusation of pedophilia. It was 14:25:52
10 simply an insult. 14:26:01

11 The investigator who merely was, in 14:26:03
12 retrospect, just taking us for a ride, came back 14:26:08
13 with what sounded like very serious information 14:26:12
14 that, you know, perhaps there was something 14:26:18
15 problematic going on. 14:26:23

16 I mean, he claimed that Unsworth had a 14:26:25
17 12-year-old bride. I mean, that's obviously -- in 14:26:30
18 that case it would be pedophilia of course. 14:26:35

19 Q. As you sure as you sit here today that 14:26:39
20 the investigator conveyed that Mr. Unsworth had a 14:26:41
21 12-year-old bride? 14:26:45

22 A. That is my recollection of what Jared 14:26:47
23 told me, yes. 14:26:50

24 Q. Well, Jared told you he was getting 14:26:50
25 written reports, right? 14:26:53

1	A.	Yes.	14:26:54
2	Q.	And did you say "Let me see what you've	14:26:55
3		got there"?	14:26:57
4	A.	I asked Jared to convey the essence of	14:27:02
5		the reports. I don't recall seeing the reports.	14:27:05
6		And he conveyed the essence of the reports; one of	14:27:07
7		which that it's rumored to have a 12-year-old	14:27:11
8		bride.	14:27:14
9	Q.	Do you deny under oath seeing any of the	14:27:16
10		written reports or emails sent by the investigator	14:27:20
11		to Jared?	14:27:24
12	A.	I do not -- I'm confident -- I'm	14:27:28
13		confident I didn't see the reports. I don't --	14:27:32
14		maybe there was an email. I don't know if there	14:27:35
15		was an email. There was an email that was sent,	14:27:39
16		but --	14:27:44
17	Q.	There were several?	14:27:45
18	A.	I have seen emails, but --	14:27:47
19	Q.	From the investigator?	14:27:49
20	A.	Yes.	14:27:50
21	Q.	To Jared?	14:27:51
22	A.	Yes. But you're confusing emails and	14:27:53
23		reports.	14:27:55
24	Q.	I didn't mean to. Well, maybe I did.	14:27:57
25		There were some reports that were kind of more	14:27:57

1 formal? 14:28:00

2 A. Yeah. 14:28:01

3 Q. Columned off. Do you remember those? 14:28:02

4 A. I don't recall seeing those. 14:28:04

5 Q. Have you ever seen anything like that? 14:28:05

6 A. To the best of my knowledge, no. 14:28:07

7 Q. And then there were emails that contained 14:28:08

8 information, and you believe you saw those emails? 14:28:10

9 A. The emails I would have seen, yes. 14:28:14

10 Q. And -- 14:28:16

11 MR. WOOD: What number are we up to now? 14:28:16

12 THE REPORTER: 41. 14:28:16

13 MR. WOOD: 41? 14:28:16

14 (Exhibit 41 was marked for 14:28:16

15 identification.) 14:28:16

16 BY MR. WOOD: 14:28:56

17 Q. We were talking about this. I thought I 14:28:58

18 would present it to you. Exhibit 41. That is, in 14:29:03

19 fact, a true and correct copy of your tweet on 14:29:06

20 August 29th? 14:29:10

21 A. Yes. 14:29:12

22 Q. In response to Drew Olanoff, who is known 14:29:12

23 as @yoda, right? 14:29:16

24 A. That is correct. 14:29:18

25 Q. And follow me -- Drew Olanoff. Do you 14:29:19

1 know who he is? 14:29:21

2 A. He is a reporter at National, I think, or 14:29:25

3 something like that. 14:29:29

4 Q. A reporter? 14:29:29

5 A. A reporter. 14:29:30

6 Q. "One other thing, Elon, your dedication 14:29:31

7 to facts and truth would have been wonderful if 14:29:35

8 applied to that time when you called someone a 14:29:38

9 pedo." 14:29:41

10 Have I read that correctly? 14:29:42

11 A. Yes. 14:29:43

12 Q. And then read for me your response on 14:29:44

13 Twitter. 14:29:46

14 A. "You don't think it's strange he hasn't 14:29:48

15 sued me? He was offered free legal services. And 14:29:50

16 you call yourself @yoda." 14:29:52

17 Q. Referring to what he had just tweeted 14:29:55

18 regarding you calling Mr. Unsworth a pedo, right? 14:29:58

19 A. Yes. Yes. 14:30:05

20 Q. Suggesting that there may be truth to it, 14:30:06

21 right? Because he hadn't sued me, right? 14:30:09

22 A. "You don't think it's strange he hasn't 14:30:15

23 sued me," seems like there is something suspicious 14:30:17

24 going on. 14:30:20

25 Q. In response to his commenting on you 14:30:21

1 calling Mr. Unsworth a pedo, right? 14:30:23

2 A. It seems suspicious. 14:30:26

3 Q. If you read this in context "it looks 14:30:27

4 like it's strange he hasn't sued me" meant it may 14:30:32

5 be true; otherwise, he would have sued me. True 14:30:35

6 that he is a pedo, right? 14:30:38

7 A. No. I just think it's suspicious that he 14:30:42

8 didn't sue me. 14:30:42

9 Q. Why? Suspicious in what way? 14:30:47

10 A. Maybe he's got something to hide. 14:30:52

11 Q. Maybe he's a pedo? 14:30:54

12 A. Maybe he's many things. 14:30:57

13 Q. But you're responding to Mr. Olanoff 14:30:59

14 saying "applied to that time you called someone a 14:31:00

15 pedo," and you say "You don't think it's strange he 14:31:03

16 hasn't sued me," right? 14:31:06

17 MR. SPIRO: Objection; asked and answered 14:31:09

18 several times. 14:31:10

19 BY MR. WOOD: 14:31:11

20 Q. Right? 14:31:11

21 A. I think it is very, very suspicious. 14:31:11

22 Q. And possibly suggesting that he might be 14:31:14

23 a pedo, a pedophile, right? 14:31:17

24 A. I think I just thought it was suspicious. 14:31:20

25 Q. How did you -- what were you trying to 14:31:21

1 convey? "Don't you think it's strange he hadn't 14:31:22
2 sued me." Maybe it's true that he's a pedo. Isn't 14:31:25
3 that what you were trying to say? 14:31:28
4 A. No. I was just saying he was suspicious. 14:31:30
5 Q. Suspicious in what way? The issue is 14:31:32
6 whether he is a pedo or not. 14:31:35
7 A. Something to hide. Who knows what. 14:31:37
8 Q. Could he be a pedophilia? 14:31:38
9 A. Suspicious. 14:31:42
10 Q. Including the allegation that Olanoff's 14:31:43
11 referring to about being a pedo? That he might be? 14:31:46
12 A. He's suspicious of many things. I don't 14:31:50
13 know. 14:31:52
14 Q. Including being a pedo? 14:31:53
15 A. It is one of many possibilities. 14:31:54
16 Q. And you had that in your mind when you 14:31:57
17 wrote that tweet, didn't you? 14:31:59
18 A. I just thought he was suspicious. 14:32:01
19 Q. And might be a pedophile because you 14:32:04
20 wanted him investigated because you were afraid he 14:32:06
21 might be another Jeffrey Epstein, and you wanted to 14:32:10
22 stop what may be a crime in progress, right? 14:32:14
23 A. He seemed suspicious. 14:32:16
24 Q. About being a pedo? 14:32:18
25 A. He seemed suspicious. 14:32:19

1 Q. Am I right? About being a pedophile? 14:32:21
2 A. He seemed suspicious. 14:32:23
3 Q. In that regard? 14:32:24
4 A. He seemed suspicious. 14:32:24
5 Q. Suspicious of potentially being a 14:32:24
6 pedophile? 14:32:26
7 A. He seemed suspicious. 14:32:26
8 Q. Is the answer "Yes, Mr. Wood, I thought 14:32:28
9 he was suspicious and might be a pedophile"? 14:32:29
10 A. He seemed suspicious. 14:32:32
11 Q. Why would you say you thought he might be 14:32:32
12 another Jeffrey Epstein? 14:32:34
13 A. He seemed -- 14:32:34
14 Q. We're talking about a pedophile. 14:32:34
15 A. I've been clear. How many times do you 14:32:40
16 want me to answer this question? 14:32:40
17 Q. One more time, because I didn't get the 14:32:40
18 answer. 14:32:43
19 MR. SPIRO: Okay. One more time. 14:32:43
20 BY MR. WOOD: 14:32:43
21 Q. You keep saying he was suspicious. 14:32:43
22 Weren't you suggesting that one of the things that 14:32:44
23 was suspicious is that in response to you calling 14:32:48
24 him "pedo guy," he had not sued you. 14:32:51
25 MR. SPIRO: One of the many possible 14:32:56

1 things? Is that the question? 14:32:58

2 MR. WOOD: You want to answer? Because I 14:32:59

3 don't really want to cross-examine you today. Let 14:32:59

4 me finish. I got to start all over again because 14:33:01

5 you interrupted me. 14:33:03

6 BY MR. WOOD: 14:33:04

7 Q. Sir. Seems simple. Maybe it's not. It 14:33:05

8 may be my problem I'm not articulating it well. 14:33:07

9 The guy writes you and says "Your 14:33:11

10 dedication to facts and truth would have been 14:33:15

11 wonderful if applied to that time when you called 14:33:17

12 someone a pedo"? 14:33:20

13 A. He seemed suspicious. 14:33:21

14 Q. Of being -- potentially being a pedo? 14:33:23

15 A. He seemed suspicious. 14:33:25

16 Q. Sir, that's answering -- I know you said 14:33:27

17 he was suspicious. Was one of things that he was 14:33:27

18 suspicious about was potentially being a pedophile? 14:33:31

19 A. He seemed suspicious. 14:33:35

20 Q. Including being a pedophile? 14:33:37

21 A. He seemed suspicious. 14:33:39

22 Q. Does that mean being a pedophile? 14:33:41

23 A. He seemed suspicious. 14:33:43

24 Q. Why did you draw the analogy to 14:33:43

25 Jeffrey Epstein? What did you know about 14:33:46

1 Mr. Epstein? Didn't you know he was accused of 14:33:48
2 pedophilia? 14:33:50
3 A. I was aware Jeffrey Epstein was accused 14:33:52
4 of pedophilia. 14:33:57
5 Q. And you wanted Ryan Mac to investigate 14:33:57
6 Mr. Unsworth because you thought he might be like 14:34:01
7 Jeffrey Epstein and be involved in pedophilia, 14:34:03
8 true? 14:34:08
9 A. Well, you're changing context, but I -- 14:34:09
10 in the case of Ryan Mac, based on what I had been 14:34:09
11 told through Jared from the investigator, it seemed 14:34:13
12 like this guy could indeed be engaged the 14:34:16
13 pedophilia for the Ryan Mac thing, not the Drew 14:34:20
14 Olanoff thing. 14:34:23
15 Q. Mr. Howard? 14:35:00
16 A. Yes. 14:35:01
17 Q. Excuse me. Let me know when you're done. 14:35:01
18 A. Yes. 14:35:06
19 Q. You done? 14:35:07
20 A. Yes. 14:35:07
21 Q. Mr. Howard was investigating on your dime 14:35:07
22 the question of whether Vernon Unsworth was a 14:35:15
23 pedophile, right? 14:35:18
24 A. Yes. Well, he was investigating this 14:35:19
25 guy. It was like let's go find -- let's find out 14:35:24

1	what is the situation here.	14:35:26
2	Q. Find out, among other things, he's a	14:35:32
3	pedophile?	14:35:35
4	A. That was one of the possible outcomes.	14:35:36
5	Q. And you were aware of that at the time	14:35:41
6	that you engaged his services? Mr. Howard's	14:35:43
7	services, true?	14:35:45
8	A. His services were engaged to figure out	14:35:47
9	what is Unsworth really up to.	14:35:50
10	Q. But he had contacted you suggesting that	14:35:53
11	he might have information that Vernon Unsworth was,	14:35:58
12	in so many words, engaged in potentially	14:36:01
13	pedophilia. And y'all hired him on the 15th of	14:36:03
14	August to go investigate that and tell you what he	14:36:08
15	learned, right?	14:36:10
16	A. I think, as I recall, he said -- he	14:36:14
17	contacted Jared and said he might have -- be able	14:36:17
18	to learn the truth about Unsworth. I don't think	14:36:20
19	there was a specific mention of pedophilia at the	14:36:23
20	time.	14:36:27
21	Q. But it was in response to the lawsuit, in	14:36:27
22	response to my letter where my letter was clear as	14:36:29
23	a bell that we said you accused him of being a	14:36:32
24	pedophile, right?	14:36:34
25	A. It was --	14:36:38

1 Have I read that correctly? 14:47:48

2 A. Yes. 14:47:50

3 Q. Wouldn't you agree that your 14:47:51

4 characterization of Mr. Mac would apply to your 14:47:54

5 knowledge about Vernon Unsworth when you tweeted on 14:47:57

6 July 15th, that with respect to Mr. Unsworth you 14:48:00

7 essentially knew nothing and had not even bothered 14:48:03

8 to research the basic facts about him? 14:48:07

9 MR. SPIRO: Objection; vague and 14:48:09

10 confusing. 14:48:10

11 BY MR. WOOD: 14:48:11

12 Q. You may answer my question, please, sir. 14:48:12

13 A. Can you repeat the question. 14:48:14

14 MR. WOOD: Could you it read it back, 14:48:14

15 please, or do you want me to do it, Patricia? 14:48:15

16 (Record read.)

17 MR. SPIRO: Objection. Same objections. 14:48:37

18 Incomprehensible, but he can answer it. 14:48:37

19 THE WITNESS: That is incomprehensible. 14:48:38

20 BY MR. WOOD: 14:48:40

21 Q. What part is it you don't understand? 14:48:40

22 I'll try to make it more clear. 14:48:41

23 A. Let's try maybe ask it a different way. 14:48:43

24 Q. Well, let me try it a different way. 14:48:45

25 You had not done any basic research on 14:48:45

1 Vernon Unsworth on or before July the 15th, other 14:48:49
2 than to google his name, right? 14:48:53
3 A. Yes. Oh, yeah. 14:48:55
4 Q. I'm sorry? 14:48:56
5 A. Yes. 14:48:57
6 Q. You didn't really know essentially 14:48:57
7 anything about him, did you, except that he had 14:48:58
8 given the interview on CNN International? 14:49:00
9 A. On which date? 14:49:02
10 Q. The interview that you -- well, I'm 14:49:03
11 sorry. On or before the 15th of July. 14:49:05
12 A. Correct. 14:49:08
13 Q. Yeah. You essentially knew nothing about 14:49:09
14 him, right? 14:49:11
15 A. Yes. 14:49:12
16 Q. So then he writes you back and says "Hey 14:49:13
17 Elon, thanks for getting back. He actually prefers 14:49:17
18 to be called a spelunker." Did I get that right? 14:49:19
19 Thank you. 14:49:20
20 "And we've confirmed that he actually 14:49:23
21 does do cave diving, but do you have any comment on 14:49:26
22 the letter you received?" 14:49:29
23 A. Yeah. 14:49:32
24 Q. And you didn't respond to that, did you? 14:49:32
25 A. No. 14:49:36

1 from England who's been traveling to or living in 14:57:25
2 Thailand for 30 to 40 years; mostly Pattaya Beach, 14:57:26
3 until moving to Chiang Rai for a child bride who 14:57:32
4 was about 12 years old at the time. 14:57:35
5 "There's only one reason people go to 14:57:37
6 Pattaya Beach. It isn't where you would go for 14:57:38
7 caves, but it is where go would go for something 14:57:41
8 else. Chiang Rai is known for -- 14:57:42
9 Q. Renowned. 14:57:44
10 A. -- "renowned for child sex trafficking. 14:57:44
11 He may claim to know how to cave dive, but he 14:57:50
12 wasn't on the cave dive rescue team, and most of 14:57:51
13 the actual dive team refused to hang out with him. 14:57:53
14 I wonder why." Google search for child sex 14:57:57
15 trafficking in Chiang Rai. 14:58:01
16 "As for this alleged threat of a lawsuit 14:58:01
17 which magically appeared when I raised the issue 14:58:06
18 (nothing was sent or raised beforehand), I fucking 14:58:08
19 hope he sues me." 14:58:12
20 Q. Now, in your statement, he's an old 14:58:17
21 white -- "He's an old single white guy from England 14:58:26
22 who's been traveling to or living in Thailand for 14:58:29
23 30 to 40 years, mostly Pattaya Beach, until moving 14:58:31
24 to Chiang Rai for a child bride who was about 14:58:35
25 12 years old at the time." 14:58:37

1 I've read that correctly, just as you've 14:58:39
2 read it, right? 14:58:41
3 A. Right. 14:58:42
4 Q. You are stating that as a matter of fact, 14:58:43
5 aren't you? 14:58:44
6 A. No. I am saying -- like these -- you 14:58:47
7 know, I was conveying what I was told by this 14:58:51
8 investigator. 14:58:56
9 Q. You didn't tell Ryan Mac that. You 14:58:56
10 didn't say "I have been told by an investigator 14:58:57
11 that..." 14:58:59
12 You didn't say that, did you? 14:58:59
13 A. No. I probably should have. 14:59:04
14 Q. You didn't mention anything about your 14:59:05
15 investigator to Ryan Mac in this email, did you? 14:59:07
16 A. No. 14:59:11
17 Q. I mean, wouldn't you expect that a 14:59:11
18 reasonable person would look at this email and 14:59:14
19 believe that you were making specific statements of 14:59:16
20 fact about Mr. Unsworth? 14:59:19
21 MR. SPIRO: Objection. 14:59:22
22 BY MR. WOOD: 14:59:22
23 Q. "He's an old single white guy from 14:59:22
24 England who's been traveling to or living in 14:59:25
25 Thailand for 30 to 40 years, mostly Pattaya Beach, 14:59:26

1 this one. 15:00:29

2 MR. SPIRO: He's been answering questions 15:00:29

3 for hours and hours. 15:00:29

4 MR. WOOD: I'm just trying to make a 15:00:31

5 lighthearted comment. Loosen up. 15:00:31

6 BY MR. WOOD: 15:00:35

7 Q. Mr. Musk, it seems simple. You didn't 15:00:35

8 mention a word about having an investigator, did 15:00:38

9 you? 15:00:40

10 A. I mean, not in this email, no. 15:00:40

11 Q. Had he published any of the information 15:00:41

12 in your email where it says "off the record" by the 15:00:46

13 time he responded to you on September 4th, at 15:00:52

14 8:49 a.m.? 15:00:55

15 A. Pardon? I don't understand you. 15:01:05

16 Q. You sent this information to him on 15:01:06

17 August 30th. He writes you back on September 4th. 15:01:08

18 A. Right. 15:01:13

19 Q. Had he published any information 15:01:13

20 contained in your August 30 email as September 4th 15:01:15

21 at 8:49 a.m.? 15:01:19

22 A. Had he published it? You're asking if he 15:01:26

23 had published anything? 15:01:27

24 Q. Yeah. That was in your email of 15:01:30

25 August 30th? 15:01:32

1 A. I -- I don't recall. I don't think so. 15:01:37
2 I don't recall. 15:01:39
3 Q. I'm sorry? 15:01:42
4 A. You're asking me did he publish something 15:01:42
5 between August 30th and September 4th? Is that 15:01:45
6 what you're asking? 15:01:47
7 Q. I think so, yeah. 15:01:49
8 A. I don't recall. I don't know if he did 15:01:51
9 during those days. 15:01:53
10 Q. While he finds the article, I'll go back 15:02:20
11 to Exhibit No. 42. 15:02:23
12 On September 4th, he wrote you and 15:02:24
13 said -- among other things, I did not -- "I didn't 15:02:35
14 agree for the conversation to be off the record, 15:02:39
15 but appreciate the response." 15:02:42
16 Have I read that correctly? 15:02:43
17 A. Yes. 15:02:47
18 Q. So you knew at that time that Mr. Mac was 15:02:48
19 not treating your email as being off the record, 15:02:50
20 didn't you, sir? 15:02:55
21 A. Yeah, it's -- it's clear that Ryan Mac 15:03:01
22 was not behaving according to the accepted rules of 15:03:03
23 journalism in my view. 15:03:07
24 Q. When he told you that he was not -- you 15:03:08
25 knew he wasn't -- yeah, you knew he wasn't going to 15:03:09

1 treat this as off the record, he said "I didn't 15:03:13
2 agree to it," right? 15:03:15
3 A. He says "I didn't agree for the 15:03:18
4 conversation to be off the record," right. 15:03:19
5 Q. And you write back and you say "Off the 15:03:24
6 record. We haven't had a conversation at all. I 15:03:27
7 sent you an off the record email which very clearly 15:03:31
8 and unambiguously said 'off the record.' If you 15:03:32
9 want to publish off-the-record comments and destroy 15:03:39
10 your journalistic credibility, that is it up to 15:03:42
11 you." 15:03:45
12 Right? 15:03:45
13 A. Obviously I cannot control this guy's 15:03:47
14 behavior. 15:03:50
15 Q. Never could. From the first email 15:03:53
16 forward, you had no control over his behavior. 15:03:55
17 A. It's my expectation that journalists 15:03:59
18 adhere to off the record. In this case he did not. 15:04:02
19 MR. WOOD: 44? 15:04:05
20 THE REPORTER: Yes. 15:04:05
21 (Exhibit 44 was marked for 15:04:05
22 identification.) 15:04:05
23 BY MR. WOOD: 15:04:49
24 Q. Let me just say this, Mr. Musk. This 15:04:51
25 exhibit has the article published by Mr. Mac and 15:05:00

1 A. Yes. So this is the morning -- morning 15:07:12
2 before the article is printed that evening. 15:07:14
3 Q. And then at 10:53 a.m., you write him and 15:07:22
4 you again say "Off the record. We haven't had a 15:07:25
5 conversation at all. I sent you an off-the-record 15:07:30
6 email which very clearly and unambiguously said 15:07:31
7 'off the record.' If you want to publish 15:07:34
8 off-the-record comments and destroy your 15:07:35
9 journalistic credibility, that's up you to. As for 15:07:38
10 answering more questions, I would happy to do so, 15:07:40
11 but not with someone who has just told me that they 15:07:43
12 will not honor accepted rules of journalism." 15:07:45
13 Right? 15:07:47
14 A. That's accurate. 15:07:49
15 Q. So you said "if you want to publish it 15:07:50
16 and destroy your journalistic credibility, that's 15:07:52
17 up to you," right? 15:07:54
18 A. Yeah, I mean, I don't -- obviously, if he 15:07:57
19 cannot be -- I don't have, like, mind control over 15:07:59
20 this guy. 15:08:04
21 Q. No. But did you write him back and say 15:08:04
22 "Do not publish that information. If you publish 15:08:04
23 that information, I will take action against you 15:08:07
24 because I gave it to you off the record." 15:08:09
25 You didn't say anything like that, did 15:08:12

1 you, sir? 15:08:14

2 A. I mean, I was clearly extremely unhappy 15:08:15

3 that he was violating journalistic integrity in my 15:08:18

4 view and publishing off-the-record comments that 15:08:23

5 were never meant to be published. 15:08:26

6 Q. Sir, you didn't write him back and say 15:08:30

7 "Do not publish that information because I sent it 15:08:33

8 off the record." You say "Publish it if you want 15:08:35

9 to destroy your journalistic credibility; that's up 15:08:43

10 to you." 15:08:45

11 Those were your words, right? 15:08:45

12 A. This is obviously not suggesting that he 15:08:49

13 publish anything. 15:08:50

14 Q. Nor is it telling him specifically that 15:08:51

15 you did not want it published, other than to say -- 15:08:53

16 A. No -- 15:08:57

17 Q. -- you choose -- excuse me -- other than 15:08:57

18 to say you choose whether you want to publish it 15:08:57

19 and destroy your journalistic credibility. That's 15:09:00

20 up to you. 15:09:02

21 A. No. 15:09:05

22 Q. That's not what you said? 15:09:05

23 A. You are mischaracterizing the situation. 15:09:05

24 Q. "If you want to publish off-the-record 15:09:06

25 comments and destroy your journalistic credibility, 15:09:08

1 Mr. Unsworth and find out that he had a 30-year 15:10:57
2 history of visiting Thailand, and he'd spent a lot 15:11:00
3 of time in Pattaya Beach without looking and/or 15:11:02
4 visiting caves? 15:11:07
5 A. Yeah. This is a full-on hope that this 15:11:15
6 guy would actually investigate, but obviously he 15:11:16
7 had no interest in doing so. 15:11:19
8 Q. I'm sorry? 15:11:20
9 A. I just had a full-on hope that this 15:11:20
10 reporter would investigate, do something, would 15:11:24
11 actually care about doing the right thing, but 15:11:28
12 obviously at this point he was just -- that was not 15:11:30
13 realistic. 15:11:34
14 Q. At 1:18 on the 4th, you were still hoping 15:11:35
15 that this reporter, Mr. Mac, would do right thing 15:11:38
16 and investigate Vernon Unsworth, right? 15:11:43
17 A. Yeah. I was hoping he would look into 15:11:54
18 it. 15:11:56
19 Q. The same reporter, who you had a few days 15:11:57
20 earlier accused him of defending a child rapist and 15:12:00
21 called him a fucking asshole, right? Same guy? 15:12:04
22 A. Yeah, I was pretty upset with that guy. 15:12:09
23 Q. And then he wrote back "Hey, Elon, I'm 15:12:13
24 sure you have seen the story at this point. Still 15:12:17
25 happy to talk with you on whatever terms you want 15:12:19

1 as long as we set them beforehand. Let me know if 15:12:21
2 you want to do a phone call. Best, R." 15:12:24
3 And what did you write back and say? 15:12:26
4 A. "Get lost, you creep." 15:12:29
5 Q. I thought you wanted this guy to 15:12:31
6 investigate, to try to stop a potential crime in 15:12:33
7 progress, an act of pedophile. Why all of a sudden 15:12:35
8 now are you saying "Get lost, you creep"? 15:12:39
9 A. He obviously had no -- at this point it 15:12:41
10 was obvious that he had no intention of doing any 15:12:43
11 real investigation on his own. 15:12:46
12 Q. And who did you turn to in the media that 15:12:48
13 you respected to provide them with this information 15:12:50
14 you had gotten from your investigator to see if 15:12:54
15 another member of the media would investigate it in 15:12:58
16 hopes of finding out if it was true, and if so, 15:13:01
17 stop pedophilia before it continues to occur? 15:13:04
18 Who did you turn to after you wrote "get 15:13:08
19 lost, you creep"? 15:13:11
20 A. I didn't -- I don't recall turning to 15:13:13
21 anyone. 15:13:14
22 Q. Didn't ask any other member of the media 15:13:15
23 or journalist to investigate, right? 15:13:18
24 A. I had lost faith in the media at this 15:13:20
25 point. 15:13:22

1 claimed? 15:38:25

2 A. I had heard from some of the SpaceX 15:38:31

3 engineers that he -- that they had talked to 15:38:39

4 somebody who had said that he had -- they -- his 15:38:41

5 name didn't come up. And he was not -- you know, 15:38:46

6 they either hadn't -- didn't know who he was, or if 15:38:50

7 they did know who he was, they said they didn't 15:38:55

8 want him there. That was my recollection. 15:39:01

9 Q. If they didn't know who he was, they did 15:39:04

10 not want him there? 15:39:06

11 A. Some people didn't know who he was, and 15:39:09

12 the others didn't want him there. 15:39:10

13 Q. Who were these people? First, who were 15:39:11

14 the SpaceX employees that reported that to you? 15:39:11

15 A. I believe it was a conversation with 15:39:14

16 Armor Harris. 15:39:14

17 Q. Anybody else besides Mr. Harris? 15:39:18

18 A. I think I asked a couple people. I'm not 15:39:19

19 sure who else. 15:39:19

20 Q. Mr. Harris, though, was somebody you 15:39:22

21 definitely know said that to you? 15:39:24

22 A. I believe -- that's my recollection. 15:39:25

23 Q. And did he tell you who had actually told 15:39:28

24 him that? 15:39:30

25 A. I'd asked him to inquire with people that 15:39:33

1 think your comments were going to do in terms of 15:44:03
2 how they impacted Mr. Unsworth's life? Did you 15:44:06
3 ever think about that? 15:44:09
4 MR. SPIRO: Can I ask you to specify 15:44:20
5 which comments. 15:44:22
6 BY MR. WOOD: 15:44:23
7 Q. Do you know what comments I'm talking 15:44:24
8 about? 15:44:26
9 A. Yeah, it was -- it's difficult to say, 15:44:30
10 you know, if -- you know, if he -- if he was up to 15:44:34
11 no good, then, you know, then obviously this would 15:44:45
12 have been appropriate, but if he was not up to no 15:44:47
13 good, then obviously this is a tragic outcome; 15:44:51
14 tragic situation. 15:44:53
15 Q. That he will live with for the rest of 15:44:54
16 his life, true? 15:44:56
17 A. I mean, these -- you know, I'm not sure 15:45:00
18 what you mean by that. 15:45:08
19 Q. Google is forever; the internet is 15:45:10
20 forever. 15:45:11
21 A. Actually, technically in Europe you can 15:45:12
22 delete Google stuff. 15:45:15
23 Q. Not in the United States? 15:45:16
24 A. Not in the United States. 15:45:17
25 Q. So it's there forever? 15:45:18

1 A. If you google things, they are there for 15:45:19
2 a long time; that is true. I wouldn't say forever, 15:45:23
3 but it's a long time. 15:45:25
4 Q. Do you have any idea of the cost that one 15:45:27
5 person might incur if they tried to hire someone to 15:45:29
6 remediate all of the accusations that are published 15:45:32
7 on the internet? 15:45:36
8 A. I -- I don't. 15:45:40
9 Q. It would be millions of dollars, wouldn't 15:45:41
10 you agree? 15:45:44
11 A. I don't know. 15:45:45
12 Q. Well, it turned out not to be true, 15:45:47
13 didn't it? 15:45:53
14 A. It appears not to be true. 15:45:55
15 Q. No, no. It turned out not to be true. 15:45:56
16 Your investigator was a con man you've concluded, 15:45:57
17 right? 15:46:00
18 A. He was not the -- the investigator was 15:46:04
19 not being truthful. 15:46:06
20 Q. And so the result is tragic as it relates 15:46:08
21 to Mr. Unsworth, true? 15:46:13
22 A. This is very regrettable situation. 15:46:16
23 Q. That you started at least in calling him 15:46:18
24 a "pedo guy." 15:46:20
25 A. No, this -- 15:46:22

1 Q. I understand he made the -- as you 15:46:22
2 perceived it, he insulted you about the tube -- 15:46:24
3 A. Yes. 15:46:27
4 Q. -- saying it was bullshit, saying it was 15:46:27
5 a PR stunt, saying it wouldn't work. 15:46:29
6 A. He made an unprovoked and uncalled-for 15:46:33
7 attack on me, and with false statements. 15:46:35
8 Q. How did that impact your life? Was it 15:46:39
9 tragic? 15:46:43
10 A. It was deeply hurtful -- 15:46:44
11 Q. What was the impact -- 15:46:46
12 A. -- as well as -- 15:46:46
13 Q. -- other than -- 15:46:47
14 A. -- an insult -- may I finish? 15:46:48
15 Q. Yeah. I want you to tell me fully. 15:46:50
16 A. As well as an insult to the great efforts 15:46:53
17 of my team in a very difficult time. 15:46:57
18 Q. How has that tragically impacted you? 15:47:03
19 A. I think it's hurt me greatly. 15:47:07
20 Q. How? 15:47:10
21 A. It has damaged my reputation greatly. 15:47:11
22 Q. How? 15:47:15
23 A. What are you talking about? 15:47:16
24 Q. How has it damaged your reputation? What 15:47:17
25 Mr. Unsworth said on CNN International? 15:47:20

1 A. He -- this guy is like basically saying I 15:47:31
2 did this for a publicity stunt. He's questioning 15:47:37
3 my motives; I questioned his motives. He insulted 15:47:41
4 the efforts of a great many people who tried to be 15:47:48
5 helpful. His actions were not good. 15:47:52
6 Now, my actions were not good either. 15:47:55
7 Two wrongs don't make a right, that is for sure. 15:48:00
8 Q. But you suggested over the course of your 15:48:03
9 communications that Mr. Unsworth may have been 15:48:07
10 involved in pedophilia, right? 15:48:11
11 A. In the later comments, yes, this is what 15:48:17
12 I was told by the investigator. 15:48:20
13 Q. So you've got the tragedy you suffered by 15:48:23
14 someone describing your tube as a publicity stunt, 15:48:27
15 calling it bullshit through use of an idiom "Stick 15:48:31
16 it where it hurts." 15:48:40
17 And then you've got the tragedy of 15:48:41
18 Mr. Unsworth with a billionaire, one of the world's 15:48:45
19 most influential and powerful people, suggesting 15:48:46
20 that he was a pedophile. 15:48:49
21 Which one -- which tragedy strikes you as 15:48:50
22 being greater? Who suffered the most; you or 15:48:54
23 Mr. Unsworth? 15:48:58
24 MR. SPIRO: Objection. 15:48:59
25 You don't have to answer that. 15:48:59

1 BY MR. WOOD: 15:49:01

2 Q. You can answer it for me, please. 15:49:01

3 MR. SPIRO: I mean, if you can answer 15:49:03

4 that question. I don't know how he could possibly 15:49:04

5 answer. 15:49:06

6 MR. WOOD: Seems like a pretty obvious 15:49:07

7 answer, but let's see what he says. 15:49:08

8 MR. SPIRO: You can answer the question. 15:49:10

9 I don't know how you could. 15:49:10

10 THE WITNESS: In my opinion, this whole 15:49:13

11 thing has damaged my reputation greatly. It may be 15:49:14

12 the single biggest damage to my reputation ever. 15:49:15

13 BY MR. WOOD: 15:49:18

14 [REDACTED] 15:49:18

15 [REDACTED] 15:49:21

16 [REDACTED] 15:49:24

17 [REDACTED] 15:49:26

18 [REDACTED] 15:49:26

19 [REDACTED] 15:49:29

20 [REDACTED] 15:49:31

21 [REDACTED] 15:49:33

22 [REDACTED] 15:49:33

23 [REDACTED] 15:49:38

24 [REDACTED] 15:49:39

25 [REDACTED] 15:49:44

1 Q. Isn't that what you just told me? 15:52:16

2 A. Obviously people decide what they want to 15:52:18

3 decide. 15:52:20

4 Q. "Elon Musk. Weakness for self-promotion 15:52:20

5 masks his potential." 15:52:25

6 Do you agree? 15:52:26

7 A. No. 15:52:27

8 Q. "The billionaire's meddling in the Thai 15:52:27

9 cave rescue looks like a narcissistic PR stunt." 15:52:32

10 Do you see that? 15:52:36

11 A. As I said, are you going back one page? 15:52:38

12 Q. Yeah, this was an article published in 15:52:40

13 the *Financial Times*. That's a respected 15:52:43

14 publication, isn't it, sir? 15:52:46

15 MR. SPIRO: Opinion piece. Very nice. 15:52:48

16 THE WITNESS: It's an opinion piece. 15:52:50

17 MR. WOOD: So is that an objection? 15:52:51

18 THE WITNESS: There is a difference 15:52:53

19 between -- 15:52:54

20 MR. WOOD: Was that an objection? I 15:52:54

21 missed it. 15:52:56

22 THE WITNESS: Opinions necessarily are -- 15:52:56

23 an opinion piece is just an opinion piece. It's 15:52:56

24 not the same as regular journalism. That is why 15:53:01

25 they call it opinion. 15:53:05

1 BY MR. WOOD: 15:53:07

2 Q. "The billionaire's meddling in the Thai 15:53:07

3 cave rescue looks like a narcissistic PR stunt." 15:53:07

4 Does that offend you? 15:53:11

5 A. I can see how this would look like a 15:53:14

6 "narcissistic PR stunt." It wasn't, but it can 15:53:16

7 look like that. 15:53:20

8 Q. Well, why would you be upset with 15:53:21

9 Mr. Unsworth if he looked at it and thought it 15:53:24

10 looked to him, like it did to this writer, as a PR 15:53:27

11 stunt. He didn't say anything different than what 15:53:31

12 this person is opining about in Exhibit 45? 15:53:35

13 A. That doesn't mean I agree with this 15:53:38

14 person. 15:53:39

15 Q. I didn't say that. 15:53:40

16 A. Yeah. 15:53:40

17 Q. I'm just saying: You tell me that this 15:53:40

18 is the most damaging thing that's ever happened to 15:53:42

19 you in terms of Vernon Unsworth's comments? 15:53:46

20 A. No. This whole fiasco is the most 15:53:48

21 damaging thing. 15:53:51

22 Q. What do you mean? 15:53:51

23 A. His original comments were, of course, 15:53:53

24 hurtful, but this whole fiasco I'd say has damaged 15:53:54

25 my reputation more than anything. 15:53:58

1 Q. What do you mean when you say "this whole 15:54:00
2 fiasco"? 15:54:02
3 A. This is like, these tweets. 15:54:05
4 Q. What do you mean when you say "this whole 15:54:12
5 fiasco"? 15:54:15
6 A. The series of tweets, the interaction 15:54:20
7 with BuzzFeed. These have all been very damaging, 15:54:22
8 and has hurt me greatly. 15:54:24
9 Q. But they were your tweets? 15:54:26
10 A. It's, you know, I think self-inflicted 15:54:31
11 wounds are the worst ones. 15:54:33
12 Q. And so the damage that you've suffered 15:54:34
13 from this fiasco, to your reputation -- the tragic 15:54:35
14 damage, is, in fact, you believe fairly described 15:54:42
15 as self-inflicted, true? 15:54:46
16 A. This isn't -- not entirely -- it was 15:54:49
17 partly self-inflicted, yes; partly inflicted by 15:54:54
18 others. But what I regret most here are the -- 15:55:00
19 the -- whatever foolish actions I made. Generally 15:55:11
20 I am attacked constantly from all angles. 15:55:15
21 When the wound is partly 15:55:19
22 self-inflicted -- these are the worst ones. These 15:55:28
23 are the ones that cause the most damage. I'm 15:55:32
24 attacked all the time constantly. 15:55:35
25 Q. You gave them a sword here. The people 15:55:37

1 that wanted to attack you, didn't you? 15:55:41

2 A. Yes. 15:55:42

3 Q. And then you can say other people might 15:55:42

4 have had a role to play, but I think you would 15:55:44

5 admit to me, Mr. Musk, the damage that you feel you 15:55:46

6 have suffered here has been largely self-inflicted, 15:55:50

7 true? 15:55:54

8 A. No. 15:55:56

9 Q. Equally? Who else do you blame besides 15:55:56

10 yourself? 15:56:03

11 A. No, but it has a significant element of 15:56:03

12 self-inflicted. Essentially, without the 15:56:08

13 self-inflicted element, these attacks would have -- 15:56:10

14 would not resonate. 15:56:11

15 Q. I am not sure I -- explain that to me. 15:56:13

16 What do you mean? 15:56:16

17 A. As I gave those who -- the haters of the 15:56:20

18 world ammunition. 15:56:26

19 Q. Do you include Mr. Unsworth as a hater of 15:56:29

20 the world? Hater of you? 15:56:33

21 A. He did launch an unprovoked attack on me. 15:56:33

22 Q. He didn't know who you were. 15:56:34

23 A. Well, then why did he launch -- 15:56:36

24 MR. SPIRO: Objection. Assuming facts 15:56:36

25 not in evidence. 15:56:37

1 Other than deleting the tweets of the 17:19:43
2 15th, did you ever take any action to contact 17:19:46
3 anyone in the media to correct any reporting being 17:19:53
4 done that said that you had accused Mr. Unsworth of 17:19:58
5 being a pedophile? 17:20:04

6 A. No, I don't think so. 17:20:13

7 [REDACTED] 17:20:22
8 [REDACTED] 17:20:27
9 [REDACTED] 17:20:30
10 [REDACTED] 17:20:36
11 [REDACTED] 17:20:38
12 [REDACTED] 17:20:45
13 [REDACTED] 17:20:45
14 [REDACTED] 17:20:49
15 [REDACTED] 17:20:52

16 Q. And while we're on the subject of 17:20:57
17 \$20 million, I believe that in July of 2018 that 17:20:58
18 your Twitter account showed approximately 20 to 17:21:02
19 22 million followers. 17:21:06

20 Does that sound about right to you? 17:21:07

21 A. That is probably about right. 17:21:09

22 Q. You would not dispute that 17:21:10
23 characterization of somewhere in the neighborhood 17:21:12
24 of 20 to 22 million followers? 17:21:14

25 A. I am not sure, but that sounds like it is 17:21:14

1 probably right. 17:21:18

2 Q. And up to about 27 million now? 17:21:18

3 A. Sure. 17:21:21

4 Q. Do you recognize the influence you have 17:21:22

5 when you speak publicly? 17:21:24

6 A. Sure. Yes. Somewhat influential. So 17:21:29

7 people -- so more influential to some than others, 17:21:33

8 but it's not to... 17:21:36

9 Q. There used to be a great commercial, you 17:21:37

10 may remember it, EF Hutton? When EF Hutton speaks, 17:21:39

11 people listen. Remember the room would get still? 17:21:41

12 A. I don't remember that ad. 17:21:45

13 Q. You don't remember it? 17:21:48

14 A. No. 17:21:49

15 Q. I'm dating myself. 17:21:49

16 A. I have heard of that ad. 17:21:51

17 Q. But don't you recognize that you carry a 17:21:53

18 lot of power and influence because of not only who 17:21:55

19 you are, but what you've accomplished and what you 17:21:59

20 seek to accomplish? 17:22:01

21 A. Yes. There is -- this influence is 17:22:04

22 certainly mixed. There's people that like me; 17:22:08

23 people that don't like me. 17:22:13

24 Q. But knowing that you carry that type of 17:22:15

25 weight and influence -- 17:22:19

1	A.	Mm-hmm.	17:22:21
2	Q.	-- doesn't that make you more careful	17:22:21
3		about what you say publicly?	17:22:24
4	A.	I'm no Justin Bieber. I think he's got	17:22:26
5		100 million.	17:22:28
6	Q.	But my question is, sir: Knowing the	17:22:34
7		influence that you do have --	17:22:35
8	A.	Mm-hmm.	17:22:36
9	Q.	-- doesn't that tell you to be careful	17:22:36
10		about what you say because people tend to believe	17:22:40
11		Elon Musk?	17:22:45
12	A.	I think it's -- I wouldn't say that just	17:22:48
13		because I have a lot of followers people believe	17:22:51
14		what I say.	17:22:53
15	Q.	I'm not talking about your followers.	17:22:55
16		I'm talking about -- you're -- I think like the	17:22:58
17		40th richest man in the world based on your net	17:22:58
18		worth, somewhere in that neighborhood.	17:23:00
19	A.	If you say so.	17:23:01
20	Q.	You're building space rockets. You're	17:23:03
21		building Tesla, the automobile, you know, the wave	17:23:06
22		of the future. You're a powerful man. You know	17:23:09
23		that, don't you?	17:23:13
24	A.	I build rockets and cars.	17:23:16
25	Q.	You could bring the weight of your money	17:23:18

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I, ELON MUSK, do hereby declare under the penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 5th day of September,
2019, at Los Angeles, California.
(City) (State)

A handwritten signature in black ink, appearing to be 'ELON MUSK', written over a horizontal line.

ELON MUSK

EXHIBIT 2

EXHIBIT 2

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,
Plaintiff,
vs. Case No. 2:18-cv-8048-svw
ELON MUSK,
Defendant.

VIDEOTAPED DEPOSITION OF JARED BIRCHALL
LOS ANGELES, CALIFORNIA
SEPTEMBER 10, 2019

Reported By:
PATRICIA Y. SCHULER
CSR No. 11949
Job No. 45748

1 Q. And did you search your email for 09:44:15
2 relevant records, that email being your 09:44:17
3 Excession.com -- 09:44:23
4 A. Correct. 09:44:26
5 Q. -- email? 09:44:26
6 A. Yes. 09:44:27
7 Q. And what is that email address? 09:44:28
8 A. It's Jared@Excession.com. 09:44:30
9 Q. When you were emailing Mr. Howard, did 09:44:35
10 you email from Jared@Excession.com? 09:44:39
11 A. No. 09:44:44
12 Q. Why not? 09:44:44
13 A. I used, I guess, an assumed name when I 09:44:47
14 corresponded with Mr. Howard. I was being asked 09:44:52
15 to -- to do something that was very much out of my 09:44:56
16 wheelhouse, and to help gather information about a 09:45:04
17 matter in an area that had things that I -- I just 09:45:15
18 felt I would be better -- it would be better not to 09:45:21
19 have my personal name, both for me as well as 09:45:24
20 Mr. Musk, to not to have my personal name attached 09:45:27
21 to that. 09:45:31
22 Q. Why? Why were you concerned about your 09:45:32
23 personal name being attached to email 09:45:36
24 communications? 09:45:38
25 A. Well, first and foremost, my job involves 09:45:39

1 finance, right, and that is what I do. So when it 09:45:43
2 comes to being asked to go and facilitate, you 09:45:47
3 know, communication from someone who is gathering 09:45:50
4 information about a legal matter or about a 09:45:56
5 seemingly seedy topic. 09:46:00
6 I -- You know, I work in finance. I have 09:46:06
7 a family. This isn't what I do, and my preference 09:46:09
8 was to not be personally tied to something of that 09:46:14
9 nature. 09:46:18
10 Q. Did anyone suggest that you should use a 09:46:19
11 different name? 09:46:23
12 A. No. 09:46:24
13 Q. Mr. Musk know that you were using a 09:46:25
14 different name? 09:46:29
15 A. He may have, but he did not 09:46:29
16 specifically -- I did not specifically discuss that 09:46:31
17 with him. 09:46:34
18 Q. Did Mr. Musk have access to the email 09:46:35
19 address that you came up with? I think it was 09:46:40
20 J. Brickhouse? 09:46:50
21 A. James Brickhouse. 09:46:53
22 Q. James Brickhouse at -- let me make sure 09:46:55
23 I've got that email: JBrickhouse11@Gmail.com? 09:47:03
24 A. That is the email address, but no, he 09:47:09
25 didn't have access to that. 09:47:11

1 Q. You are sure of that? 09:47:13
2 A. 100 percent. 09:47:14
3 Q. When did you establish that Gmail 09:47:16
4 account? 09:47:18
5 A. I couldn't tell you the date, but it was 09:47:20
6 in conjunction with initiating this effort. 09:47:22
7 Q. And does it remain active today? 09:47:27
8 A. Yes. 09:47:29
9 Q. Have you gone through and searched that 09:47:32
10 email address to determine if you have given to 09:47:34
11 lawyers for Mr. Musk -- 09:47:39
12 A. Yes. 09:47:40
13 Q. I haven't asked you the question yet. 09:47:41
14 A. Oh. 09:47:43
15 Q. -- to provide all of the emails relevant 09:47:43
16 to this issue of the investigation by Mr. Howard 09:47:47
17 and information about Mr. Unsworth? 09:47:52
18 Have you given to the lawyers all of the 09:47:55
19 emails from the JBrickhouse11@Gmail.com account? 09:47:59
20 A. I have. 09:48:06
21 Q. And were there any emails in that account 09:48:06
22 that would have addressed any other subject matter 09:48:12
23 other than Mr. Unsworth, Mr. Howard, and the 09:48:16
24 information you were receiving? 09:48:22
25 MR. SPIRO: Objection; relevance. 09:48:24

1	A. That's right.	09:49:40
2	Q. And so Mr. Howard always knew you as	09:49:41
3	Jim Brickhouse, right?	09:49:45
4	A. Yes, though at one point he does -- he	09:49:48
5	either said on the phone or maybe it's somewhere he	09:49:52
6	said something to the effect of -- something to the	09:49:55
7	effect I realize who you represent, or I know -- I	09:50:00
8	don't know how they do this, but because my email	09:50:05
9	was being sent in a certain way, he said something	09:50:09
10	to the effect of "I realize your name is not	09:50:15
11	James Brickhouse" or something like that.	09:50:19
12	Q. Where in the -- on the timeline would he	09:50:22
13	have raised that with you? "He" being Mr. Howard?	09:50:26
14	A. I mean, probably two-thirds of the way	09:50:29
15	into my correspondence with him.	09:50:32
16	Q. Which would date about what date?	09:50:35
17	A. Hard to say, but I mean, I -- I don't	09:50:41
18	know. Maybe early September.	09:50:43
19	Q. So when he was initially engaged to	09:50:45
20	investigate he did not know your real name?	09:50:49
21	A. I don't believe he knew my real name, no.	09:50:55
22	Q. And he did not know that it was being	09:50:57
23	undertaken for Elon Musk?	09:50:59
24	A. I actually think he -- I mean, he is the	09:51:01
25	one that reached out to us. And so I think he did	09:51:03

1 know that it was being -- that this -- his work was 09:51:11
2 being done for Mr. Musk. But he just didn't know 09:51:15
3 that -- didn't know who I personally was. 09:51:19
4 And you know, I was also preventing a -- 09:51:22
5 you know, someone's ability to just forward an 09:51:25
6 email exchange and easily tie that to myself or 09:51:28
7 Elon or someone, you know. So that was just 09:51:31
8 another reason behind the anonymity on that. 09:51:37
9 Q. When was the anonymity -- when was the 09:51:42
10 curtain drawn back? You said about two-thirds of 09:51:42
11 the way into your correspondence with him? 09:51:48
12 A. Well, I never -- there was never that 09:51:49
13 moment where I said -- and by the way, here is my 09:51:52
14 name, and here is what I do, and -- you know, that 09:51:54
15 moment never happened, though he made a reference. 09:51:58
16 Like I said, I don't know the exact date. I could 09:52:01
17 probably get that for you if you gave me time to 09:52:05
18 look for it, but there was a moment where he -- he 09:52:08
19 felt it necessary to tell me that he knew who I 09:52:13
20 was, basically. 09:52:18
21 Q. Did he do that by email? 09:52:20
22 A. I don't recall. 09:52:23
23 Q. Well, if he did, you would have produced 09:52:25
24 it? 09:52:27
25 A. Of course. 09:52:28

1 Q. So if you assume that you were -- you may 09:52:29
2 know the precise date. Do you know when you 09:52:32
3 started working with Mr. Howard? 09:52:35
4 A. Yeah, I -- like I said, I mean, it's all 09:52:39
5 in the emails, but I don't have the exact date, no. 09:52:41
6 Q. What is your best recollection? 09:52:44
7 A. I mean, my first -- I would guess that it 09:52:47
8 was mid-August. 09:52:50
9 Q. When you first started working with him? 09:52:54
10 A. When I first had exchanged any 09:52:56
11 information with him. Approximately, yes. 09:52:58
12 Q. Do you have in your mind's eye, from your 09:53:02
13 preparation or otherwise, that the story published 09:53:05
14 by Ryan Mac was, I believe published on 09:53:09
15 September 4. That was based on an email that 09:53:13
16 Mr. Musk had sent him on the 30th of August. 09:53:15
17 Does that sound right? 09:53:19
18 A. Yes. 09:53:20
19 Q. At that time had Mr. Howard indicated to 09:53:21
20 you that he had figured out who you were, or was it 09:53:27
21 after that? 09:53:31
22 A. Yeah, I couldn't tell you. I would need 09:53:32
23 to go back and look. 09:53:34
24 Q. But you were very conscious that you did 09:53:35
25 not want him to know your real name, true? 09:53:36

1	A. True.	09:53:41
2	Q. And you made every effort you could to	09:53:41
3	prevent him from knowing your real name, true?	09:53:43
4	A. Yeah, yeah.	09:53:48
5	Q. And that was important to you because --	09:53:49
6	why?	09:53:52
7	A. Well, again, there are maybe a few	09:53:55
8	reasons, but one of those was so there was no	09:53:58
9	ability to forward correspondence, as people do in	09:54:07
10	today's electronic communication, and have him	09:54:10
11	forward an email exchange that so easily ties him	09:54:13
12	to me personally or to Mr. Musk.	09:54:17
13	And again, I was a novice being asked to	09:54:21
14	do something that I'd never done before, and didn't	09:54:26
15	know what it entailed, and wanted to err on the	09:54:30
16	side of conservatism, and not unnecessarily tie my	09:54:35
17	personal name to an investigation in a random	09:54:39
18	country about a random matter. That's really what	09:54:46
19	it was.	09:54:50
20	Q. Were you trying to limit the information	09:54:51
21	that could be sent by Mr. Howard to your Jim	09:54:56
22	Brickhouse@Gmail?	09:55:03
23	MR. SPIRO: Objection to form.	09:55:07
24	You can answer that.	09:55:08
25	THE WITNESS: You said I can?	09:55:13

1 MR. SPIRO: You can. 09:55:14

2 THE WITNESS: No. I was encouraging that 09:55:15

3 all information possible would be sent to that 09:55:16

4 email address. 09:55:19

5 BY MR. L. WOOD: 09:55:20

6 Q. And no one -- I mean, you said you were a 09:55:20

7 novice. No one at all suggested to you that you 09:55:21

8 might want to consider setting up a fake Gmail 09:55:24

9 account? 09:55:29

10 A. No. 09:55:29

11 Q. That was done on your own? 09:55:29

12 A. 100 percent. 09:55:31

13 Q. And did you tell Mr. Musk that you had 09:55:32

14 done it that way? 09:55:34

15 A. I didn't. 09:55:35

16 Q. Why not? 09:55:36

17 A. I didn't feel like it was relevant. He 09:55:36

18 asked me to -- to gather information, and how I 09:55:39

19 went about doing that -- I didn't feel like it was 09:55:48

20 relevant to -- to share. 09:55:52

21 Q. Did he want you to share the information 09:55:54

22 that you were learning with him? Mr. Musk? 09:55:57

23 A. Yes. 09:56:01

24 Q. And you would have made sure that you 09:56:02

25 provided him accurate information about 09:56:04

1 Mr. Howard's investigation, true? 09:56:06

2 A. True. 09:56:09

3 Q. You would not in any way have provided 09:56:09

4 information from Mr. Howard -- that you obtained 09:56:12

5 from Mr. Howard -- to Mr. Musk that would be 09:56:15

6 misleading, true? 09:56:18

7 A. True. 09:56:20

8 Q. You wanted to give him a complete report 09:56:21

9 on the information you were receiving from 09:56:24

10 Mr. Howard on any and all significant issues that 09:56:27

11 were being investigated, true? 09:56:32

12 A. True. 09:56:33

13 (Exhibit 61 was marked for 09:56:33

14 identification.) 09:56:33

15 BY MR. L. WOOD: 09:56:33

16 Q. So if you look at what's been identified 09:56:36

17 for purposes of your identification to your 09:56:45

18 deposition as Exhibit 61 -- you're familiar with 09:56:47

19 that document? 09:56:52

20 A. I am. 09:56:53

21 Q. That's the only document that we have 09:56:54

22 from Excession in response to the subpoena. 09:56:57

23 A. Okay. 09:57:00

24 Q. Did you only find that one document? 09:57:00

25 A. Yeah. I mean, in doing all of the -- I 09:57:03

1 didn't actually identify this as the one missing 09:57:05
2 piece, but I went through, and with modified search 09:57:09
3 terms and whatnot per direction from Alex, and 09:57:14
4 apparently this was the one piece of information 09:57:18
5 that was missing from the original searches. 09:57:23
6 Q. What search terms were you given? 09:57:25
7 A. I don't remember all of them right now, 09:57:27
8 but of course they involved Unsworth, Thailand, 09:57:28
9 pedophile, child rapist, and some combinations of 09:57:37
10 those. And there may have been a few others. 09:57:44
11 Q. Was that sent to you -- do you have the 09:57:50
12 search terms in writing somewhere? 09:57:51
13 A. I believe I do, yes. 09:57:54
14 Q. Email? 09:57:56
15 A. Yes. 09:57:56
16 Q. So if asked to produce those, you would 09:57:57
17 have them? 09:57:59
18 A. I think so, yeah. 09:58:01
19 Q. Do you know when you were asked to 09:58:03
20 conduct that search? 09:58:05
21 MR. SPIRO: Objection; form. Which 09:58:07
22 search? 09:58:10
23 BY MR. L. WOOD: 09:58:10
24 Q. The search for Excession. 09:58:11
25 A. Well, I was asked to search all of my 09:58:14

1 such that I asked all of the -- all of the people 10:20:45
2 that I know would have received that type of 10:20:51
3 correspondence, whether or not it had been 10:20:54
4 received. And if those people hadn't received it, 10:20:59
5 it for sure had not been received. 10:21:02
6 Q. So you feel good having done the search 10:21:05
7 that in your mind knowing how Mr. Musk -- his 10:21:07
8 routine or requirements, whatever he calls them -- 10:21:11
9 you are comfortable in saying that you checked all 10:21:14
10 the available avenues on how he could have himself 10:21:18
11 received it, and you were comfortable and confident 10:21:21
12 that he didn't get it at least as of August 29, 10:21:24
13 true? 10:21:28
14 A. True. 10:21:29
15 Q. Let me ask you: Did you engage the 10:21:30
16 services of Mr. Howard by written agreement with 10:21:37
17 him? 10:21:41
18 A. There was a written agreement, yes. 10:21:42
19 Q. And who was that agreement between? 10:21:44
20 A. I believe it was between Excession and 10:21:47
21 Mr. Howard. 10:21:53
22 Q. And this would have been dated when? 10:21:55
23 A. Again, that goes back to -- I mean, it 10:21:59
24 would have been later August when he was, I guess 10:22:01
25 formally retained. 10:22:07

1 Q. And you left out part of it? 10:24:45
2 A. On behalf of James Brickhouse. 10:24:47
3 Q. So here you have communicated your name 10:24:51
4 and your email address to Mr. Howard, right? 10:24:54
5 A. Correct. This was a mistake. 10:24:59
6 Q. Well, it was not -- look at the last 10:25:02
7 page. Musk Bates 0259 of Exhibit 36. 10:25:04
8 A. The last page of this -- 10:25:10
9 Q. Exhibit 36, Bates No. 0259. 10:25:12
10 A. Yes. 10:25:16
11 Q. Is that your signature? 10:25:16
12 A. It is. 10:25:18
13 Q. You signed this document on 10:25:19
14 August 15, 2018, true? 10:25:21
15 A. True. 10:25:24
16 Q. And you signed it as the manager of 10:25:25
17 Excession LLC, right? 10:25:28
18 A. Correct. 10:25:30
19 Q. Mr. Musk's family office corporation, 10:25:31
20 right? 10:25:33
21 A. That's right. 10:25:34
22 Q. Identifying yourself as Jared Birchall, 10:25:35
23 right? 10:25:37
24 A. That's right. 10:25:38
25 Q. On August the 15th? 10:25:39

1 A. "Attached is the NDA which should be from 10:26:52
2 you to me." Yes. 10:26:56
3 Q. He is calling you "Jim," right? 10:27:00
4 A. Yes. 10:27:01
5 Q. Your alias for purposes of this 10:27:02
6 investigation, right? 10:27:05
7 A. Yes. 10:27:06
8 Q. And then you write him back from 10:27:07
9 Jared Birchall on behalf of James Brickhouse. 10:27:09
10 A. Yes, so -- 10:27:14
11 Q. And then -- excuse me. 10:27:16
12 And then you signed the Excession LLC NDA 10:27:16
13 as Jared Birchall, manager of Excession LLC. Have 10:27:21
14 I got it right? 10:27:25
15 A. You have got it right. 10:27:26
16 Q. So were you trying to convey to 10:27:27
17 Mr. Howard that there were two people involved; 10:27:29
18 you, Jared Birchall, and a man named Jim Brickhouse 10:27:32
19 who was different than you? 10:27:38
20 A. This was -- so in every email 10:27:41
21 correspondence that I sent to -- to James Howard -- 10:27:44
22 so the mechanics of me sending that email in my 10:27:49
23 Gmail is that I need to change the "from" address 10:27:56
24 to the James Brickhouse email address. 10:28:01
25 And in this case it was an oversight that 10:28:04

1 I did not change that, because you can see that I 10:28:09
2 signed it "Jim" -- that email "Jim," and I did not 10:28:12
3 take that extra step of changing the "from" to be 10:28:14
4 the Brickhouse email. 10:28:20
5 And so really all this highlights is that 10:28:23
6 an inexperienced novice trying to do what I thought 10:28:29
7 was the right thing to do, and I missed a step 10:28:33
8 there and sent -- sent it from an unintentional 10:28:36
9 email address because I didn't change the "from." 10:28:42
10 Q. When you say "change the from," are you 10:28:45
11 talking about changing it -- like typing a 10:28:47
12 different "from" on it, or are you talking about 10:28:51
13 changing to a different account? 10:28:51
14 A. My email accounts -- some of them -- 10:28:54
15 James Brickhouse and JaredBirchall@Gmail.com are 10:28:57
16 part of the same -- one merges into the other. I 10:29:02
17 have folder within JaredBirchall.com. And so -- so 10:29:06
18 I have the ability to, while in the 10:29:12
19 JaredBirchall@Gmail.com, send an email from the 10:29:15
20 JamesBrickhouse email address. So I don't have to 10:29:19
21 toggle between email accounts. 10:29:26
22 Q. And you meant to be careful and only send 10:29:30
23 something to Mr. Howard that referred to you as 10:29:32
24 Jim Brickhouse? 10:29:36
25 A. In this case, yes. 10:29:38

1	A. I -- typically, daily.	11:14:44
2	Q. So you knew from the beginning that this	11:14:56
3	was a sensitive and delicate project that you were	11:15:00
4	going to be involved in as it pertains to	11:15:03
5	Mr. Howard.	11:15:05
6	Can we agree on that?	11:15:06
7	A. Yes, I -- I think that's probably a	11:15:10
8	fair...	11:15:12
9	Q. This is your first investigative role or	11:15:13
10	a role in an investigation, right?	11:15:16
11	A. Correct.	11:15:20
12	Q. You wanted to make sure that from your	11:15:21
13	standpoint, in terms of your role, that you got it	11:15:24
14	done and done right, true?	11:15:27
15	A. To my best ability, yes.	11:15:30
16	Q. Tell me what you did to perform any	11:15:32
17	diligence on Mr. Howard.	11:15:35
18	A. So first -- again, it is important to	11:15:43
19	understand that he came to us, and --	11:15:48
20	Q. I understand that.	11:15:50
21	A. I only mention that because it would have	11:15:51
22	been -- there would have maybe been a slightly	11:15:54
23	different process if someone said go out and	11:15:58
24	identify the best investigator in the world to go	11:16:00
25	and find information in Thailand.	11:16:03

1 With that said, there was some high-level 11:16:07
2 online looking into -- you know, was his company 11:16:15
3 that he claimed to represent a real company? Did 11:16:18
4 he have any experience working with similar 11:16:21
5 high-net-worth individuals? Did he have, you know, 11:16:25
6 a résumé that pointed to someone that could -- you 11:16:32
7 know, could potentially handle investigative work? 11:16:36
8 And we -- we checked each of those boxes. 11:16:38
9 Q. Who is "we"? 11:16:47
10 A. When I say "we," I mean, I felt like I'd 11:16:48
11 checked each of those boxes, and certainly that is 11:16:49
12 not to say that, you know, with hindsight being 11:16:55
13 20/20 could have been done better or different. 11:16:58
14 Q. Well, you said -- you said your words 11:17:02
15 were "There was some high-level online looking"? 11:17:04
16 A. Um-hmm. 11:17:07
17 Q. Who performed the high-level online 11:17:08
18 looking at Mr. Howard? 11:17:10
19 A. That would have been me. 11:17:12
20 Q. Anyone else? 11:17:13
21 A. Not that I know of. 11:17:14
22 Q. So what exactly did you look for, and 11:17:15
23 what did you find before you signed the NDA and 11:17:20
24 entered into the agreement with him? 11:17:25
25 A. Again, it would have -- it would have 11:17:31

1 just been a simple search for his information, his 11:17:32
2 company, and then a discussion about his experience 11:17:36
3 with him, specifically. 11:17:41
4 He had a fairly convincing story to tell 11:17:44
5 about his experience, which involved British, you 11:17:47
6 know, Special Forces, and time spent working for 11:17:50
7 George Soros and Paul Allen and some others. 11:17:59
8 It seemed like he was, you know, 11:18:06
9 experienced enough to be able to produce the 11:18:10
10 information that he came to us saying that he 11:18:14
11 suspected existed. 11:18:17
12 Q. Well, when you say that he had a fairly 11:18:18
13 convincing story, I'm talking about now, you, 11:18:21
14 Jared Birchall -- 11:18:23
15 A. Um-hmm. 11:18:24
16 Q. You're the manager. Maybe you have a 11:18:24
17 corporate title for Excession as you do for other 11:18:26
18 of Mr. Musk's corporations. You want to make sure 11:18:29
19 you get this done right. 11:18:32
20 And what did you do specifically to 11:18:34
21 verify that in fact this man, Mr. Howard, is or was 11:18:38
22 who he claimed to be? Did you reach out to anybody 11:18:44
23 connected with the British Special Forces? 11:18:48
24 A. No, I did not. 11:18:54
25 Q. Did you reach out to anybody connected 11:18:55

1 with George Soros? 11:18:57

2 A. No. 11:18:58

3 Q. Did you reach out to anybody connected 11:18:58

4 with Paul Allen? 11:19:00

5 A. No. 11:19:02

6 Q. What did you do to verify the reliability 11:19:03

7 of the information that Mr. Howard was giving you 11:19:08

8 concerning his experience and background? 11:19:12

9 A. Again, I used what I would probably now 11:19:16

10 consider as somewhat rudimentary, you know, big 11:19:19

11 high-level vetting process. He came to us, and the 11:19:21

12 need to reach out to him was brought to me by 11:19:30

13 someone internal. It wasn't an outward 11:19:33

14 investigative search for the best in the world. 11:19:37

15 It was someone who came to us, and so the 11:19:41

16 manner in which he came to us probably affected the 11:19:44

17 amount or type of research that was done. 11:19:54

18 Q. I'm still trying to figure out the 11:19:57

19 research that was done. Did you google his name? 11:19:59

20 A. Well, yeah, that's what I'm saying. 11:20:02

21 Q. Did you google his name? 11:20:03

22 A. Yeah, absolutely. 11:20:04

23 Q. Do you do anything besides google his 11:20:05

24 name? 11:20:07

25 A. And probably the name of his company. 11:20:08

1 Q. Anything besides googling his name and 11:20:10
2 the name of his company? 11:20:13
3 A. Not that I can recall. 11:20:15
4 Q. And you knew when he came to Mr. Musk 11:20:16
5 that he was suggesting that he had some dirt on 11:20:19
6 Vernon Unsworth, true? 11:20:24
7 A. Yes. 11:20:29
8 Q. So he was not an independent investigator 11:20:30
9 from day one, wouldn't you agree? 11:20:32
10 MR. SPIRO: Objection to form. 11:20:34
11 THE WITNESS: I actually did think he was 11:20:35
12 an independent investigator that just happened to 11:20:37
13 have some information. 11:20:40
14 BY MR. L. WOOD: 11:20:41
15 Q. What information did he tell you he had 11:20:42
16 about Mr. Unsworth before you engaged his services 11:20:45
17 on behalf of Mr. Musk? 11:20:51
18 A. Purely the inference that -- that he 11:20:55
19 believed there were skeletons in the closet. That 11:20:56
20 there may have been information that existed that 11:21:00
21 would be -- that we would want to have. 11:21:03
22 Q. Did he -- when he said he believed there 11:21:10
23 were skeletons in the closet, did he tell you that? 11:21:15
24 A. That he didn't use those words 11:21:17
25 necessarily to me. That's what was obviously in 11:21:19

1 being -- as to questioning his motives for being in 11:22:34
2 Thailand in my initial conversation with him. Just 11:22:40
3 that he believed that there could -- where there is 11:22:43
4 smoke, there's fire. That's there are reasons to 11:22:46
5 question his motives for being in Thailand. 11:22:49
6 Q. Did you let Mr. Musk know that you had, 11:22:52
7 in fact, retained him following up on the emails he 11:22:54
8 had earlier sent in July? 11:22:59
9 A. Yes. At some point I'm sure I did. 11:23:01
10 Q. Well, he -- you would have done that as a 11:23:03
11 matter of course because you -- you had to get 11:23:04
12 Mr. Musk's authority to pay him? 11:23:06
13 A. Typically, yeah. I mean, absolutely. At 11:23:08
14 some point there was no question that that 11:23:10
15 conversation was had. 11:23:13
16 Q. And it would have been early, because you 11:23:14
17 wouldn't have tapped -- you wouldn't have retained 11:23:15
18 him and started spending, you know, \$20,000 to 11:23:16
19 retain his guy without getting it approved by 11:23:20
20 Mr. Musk, true? 11:23:22
21 A. I mean, there is -- to say -- there is, 11:23:25
22 on the spectrum of things that go on in a day in 11:23:34
23 Elon's life, there is such a magnitude that there 11:23:39
24 are times where he does expect me to make decisions 11:23:43
25 like that; that involve tens of thousands of 11:23:47

1	A.	Among -- among others, yes.	11:27:09
2	Q.	So it had priority in your mind, true?	11:27:10
3	A.	There were other things that had higher	11:27:15
4		priority, but it was an important matter for sure.	11:27:16
5	Q.	It was a high priority matter. I'm not	11:27:19
6		suggesting it was the highest, but it was a high	11:27:22
7		priority matter for you to find out what Howard was	11:27:24
8		getting and to get that information to Mr. Musk,	11:27:27
9		true?	11:27:29
10	A.	Sure. Yes.	11:27:31
11	Q.	So you've never done this before. Who	11:27:32
12		told you to hire Mr. Howard?	11:27:58
13	A.	So again, going back to my previous	11:28:00
14		comment about Sam Teller coming and sharing the	11:28:04
15		nature of Mr. Howard's reach-out and saying that	11:28:13
16		Elon wanted us to see what information this guy	11:28:20
17		had.	11:28:24
18	Q.	Did you let Elon know that you were going	11:28:24
19		to hire him?	11:28:27
20	A.	Yes. I mean, again, the sequence of that	11:28:29
21		and cadence -- I'm not clear exactly how that --	11:28:32
22		but of course there was that initial -- I mean,	11:28:37
23		eventual -- that information would have been shared	11:28:39
24		that yes, we were having -- we were engaging him.	11:28:44
25	Q.	Well, you were engaging him because it	11:28:46

1 had been made clear to you from Mr. Teller that 11:28:48
2 Elon wanted you to see what information Mr. Howard 11:28:51
3 had. 11:28:56
4 A. Correct. 11:28:57
5 Q. True? 11:28:58
6 A. True. 11:28:58
7 Q. So that the reason for hiring Mr. Howard 11:28:59
8 was because it was at the request and the desire of 11:29:03
9 Mr. Musk, true? 11:29:06
10 A. That's true. 11:29:08
11 Q. Let me hand you 64. 11:29:10
12 (Exhibit 64 was marked for 11:29:12
13 identification.) 11:29:12
14 BY MR. L. WOOD: 11:29:22
15 Q. Hand what you has been marked for 11:29:26
16 purposes of identification to your deposition as 11:29:29
17 Exhibit 64. 11:29:29
18 A. Yes. 11:29:30
19 Q. This is what appears to be an email from 11:29:33
20 James Brickhouse to Jupiter Private. That would be 11:29:38
21 Mr. Howard, right? 11:29:43
22 A. Yes. 11:29:44
23 Q. Project Rowena, right? 11:29:46
24 A. Yes. 11:29:48
25 Q. Do you know how Mr. Howard came up with 11:29:49

1 that name? Did he tell you? 11:29:51

2 A. No idea. 11:29:52

3 Q. But he came up with it, not you? 11:29:53

4 A. Correct. 11:29:56

5 Q. And you say in the first paragraph "Some 11:29:56

6 of the specific questions that would be good to 11:29:58

7 answer are," okay. And then you bullet list out a 11:30:01

8 series of questions, true? 11:30:06

9 A. True. 11:30:09

10 Q. Mr. Musk had input into the questions 11:30:10

11 that you sent. You and he discussed those, didn't 11:30:13

12 you? 11:30:17

13 A. I'm sure, yes. 11:30:18

14 Q. And do you know which ones Mr. Musk was 11:30:19

15 saying "Ask him this," or would you just say that 11:30:23

16 it was a collaboration between you and Mr. Musk to 11:30:26

17 come up with this list of questions? 11:30:30

18 A. A collaboration. 11:30:32

19 Q. On each one of them? 11:30:33

20 A. Yeah. I mean, I -- I can't say each one 11:30:35

21 of them, but I'm sure there were some here that 11:30:38

22 were being asked because of his input. 11:30:40

23 Q. Right. These are questions that you 11:30:43

24 believe from your discussions with Mr. Musk that he 11:30:45

25 wanted answers to, true? 11:30:49

1 A. Yes. And specifically he had shared 11:30:52
2 information regarding most of these matters, and 11:30:56
3 had shared some information that had evolved. And 11:31:01
4 so I was trying to nail him down on some 11:31:08
5 specific -- 11:31:11
6 Q. Well, it was actually you and Mr. Musk 11:31:11
7 were trying to nail him down, true? 11:31:13
8 A. Well, yeah, I mean, this ultimately was 11:31:16
9 for him. 11:31:19
10 Q. Yeah, well, but he was talking with you 11:31:19
11 about it. You collaborated on the questions, and 11:31:21
12 those were in fact questions that you believed from 11:31:23
13 your discussions with Mr. Musk that he wanted 11:31:25
14 answers to, true? 11:31:27
15 A. Again, I don't know which of these 11:31:31
16 specific would have been his ones where he said 11:31:33
17 "This is an answer to your question," but yes, 11:31:36
18 there was some collective effort to determine what 11:31:39
19 we were trying to get from Mr. Howard. 11:31:41
20 Q. And you advised Mr. Musk on which -- on 11:31:45
21 the questions that you were going to have 11:31:48
22 Mr. Howard answer, true? 11:31:51
23 A. Not always. I mean, there -- 11:31:54
24 Q. I am talking about this one; Exhibit 64. 11:31:55
25 A. I mean, I didn't then review this with 11:31:58

1 When did he meet Tik in Thailand? What 11:35:07
2 did you learn? 11:35:10
3 A. It depends at what point you're asking me 11:35:13
4 that. If -- if I was answering on this date versus 11:35:17
5 what I know today -- I mean, to be honest there 11:35:20
6 were numerous answers given over time to where for 11:35:24
7 me to clearly state this is exactly when he met 11:35:27
8 her -- it honestly is not clear in my head, because 11:35:31
9 the answer evolved over time. 11:35:35
10 But from what I recall -- if you're 11:35:39
11 asking me what I understand today? 11:35:41
12 Q. No. I'm asking you the simple question: 11:35:43
13 What did you learn as to when Mr. Unsworth met Tik 11:35:45
14 in Thailand? 11:35:52
15 A. So the answer to that question evolved 11:35:55
16 over time. And there were different answers. 11:35:57
17 Q. Okay. Let's start with the first answer. 11:35:59
18 What was the first information you got on when he 11:36:01
19 met her? 11:36:05
20 A. So I can't think of the date, but as it 11:36:06
21 pertains to her age, it would have been when she 11:36:07
22 was a young teenage girl. 11:36:10
23 Q. Young teenage girl. Would that be an 18- 11:36:13
24 or 19-year-old girl? 11:36:14
25 A. No. 12 or 13. 11:36:17

1 Q. Because now we're talking about him 11:37:27
2 having met her when she was a minor, true? Under 11:37:29
3 the age of 15 or 16? 11:37:40
4 A. Yes. 11:37:42
5 Q. And that's not the kind of information 11:37:42
6 you would pass to Mr. Musk unless you were clear as 11:37:44
7 to what Mr. Howard had told about it, true? 11:37:47
8 A. True. 11:37:49
9 Q. So you were clear in telling Mr. Musk 11:37:50
10 "Howard tells me they met when Tik was 12 or 13," 11:37:52
11 true? 11:37:57
12 A. Yes. 11:37:59
13 Q. He didn't -- Mr. Howard didn't tell you 11:38:00
14 that Mr. Unsworth married Tik at age 12 or 13, did 11:38:02
15 he? 11:38:09
16 A. Not that I recall, no. 11:38:10
17 Q. He didn't tell you -- Mr. Howard didn't 11:38:11
18 tell you that Mr. Musk had some type of a sexual 11:38:13
19 relationship with Tik when she was 12 or 13? He 11:38:18
20 never told you that, did he? 11:38:25
21 A. No. He would have never had that 11:38:27
22 evidence. 11:38:29
23 (Off-the-record comment from counsel.) 11:38:29
24 MR. L. WOOD: I did misstate that. Thank 11:38:29
25 you. 11:38:29

1 BY MR. L. WOOD: 11:38:29

2 Q. I meant to say Mr. Howard did not tell 11:38:32

3 you that Mr. Unsworth had had some type of a sexual 11:38:36

4 relationship with Tik when she was 12 or 13. He 11:38:41

5 never told you that, did he? 11:38:44

6 A. No. 11:38:47

7 Q. At what age -- he didn't tell you that at 11:38:52

8 any time, did he? 11:39:02

9 MR. SPIRO: Objection to form. 11:39:05

10 BY MR. L. WOOD: 11:39:07

11 Q. Is that correct? 11:39:07

12 A. He did not have photographic or -- you 11:39:08

13 know, other direct evidence that that was the 11:39:10

14 case -- 11:39:13

15 Q. I am not asking about that. 11:39:14

16 A. He -- he implied on numerous occasions 11:39:16

17 that he believed that was the case. 11:39:17

18 Q. I'm not asking you what he implied. I'm 11:39:19

19 asking what he told you. He did not tell you that 11:39:23

20 Vernon had married Tik at 12 or had had any type of 11:39:29

21 a sexual relationship with Tik at 12 or 13 years of 11:39:33

22 age? 11:39:36

23 MR. SPIRO: Objection; form. Compound. 11:39:37

24 Argumentative. 11:39:38

25 ///

1 and green, what we know is it fact, right? 11:46:43

2 A. Right. 11:46:45

3 Q. In that report of August the 27, 11:46:46

4 Exhibit 65, where does he report that 11:46:51

5 Vernon Unsworth met Tik when she was 12 or 13 years 11:46:56

6 old? 11:47:04

7 A. I don't -- I don't see that outlined here 11:47:07

8 in this specific correspondence. 11:47:10

9 Q. Well, take a look at the next to last 11:47:12

10 bullet point where it was "What was her age when 11:47:14

11 they met." You see that on Bates No. 053? 11:47:17

12 A. Yes. 11:47:19

13 Q. And this is answered in orange, meaning 11:47:19

14 we are in the process of verifying, right? 11:47:21

15 A. Correct. 11:47:24

16 Q. And what he told you was -- read with me. 11:47:25

17 "The target is 63 years old. His wife" -- and 11:47:27

18 that's referring to Tik, right? 11:47:30

19 A. Yes. 11:47:32

20 Q. "His wife, we believe, is 30, which would 11:47:33

21 have put her at 18/19 when they first met." 11:47:36

22 Have I read that correctly? 11:47:43

23 A. Yes. 11:47:44

24 Q. So this is not when he told you that he 11:47:45

25 had information that she was 12 or 13. He told you 11:47:48

1 on the 27th that he was trying to verify 11:47:51
2 information that he had that suggested that she was 11:47:55
3 18 or 19 when they first met -- 11:48:00
4 A. Um-hmm. 11:48:03
5 Q. -- based off of what he believed to be 11:48:03
6 her age -- present agent of 30, right? 11:48:06
7 A. Correct. 11:48:10
8 Q. Turned out down the road that you 11:48:12
9 learned, because you got the birth certificate 11:48:14
10 before he provided it to you -- you learned that 11:48:17
11 she was in fact 40 years old at the present time 11:48:18
12 that this was going on in September of -- August 11:48:21
13 and September of 2018, right? 11:48:26
14 A. That's right. 11:48:28
15 Q. Which, under this analysis, would have 11:48:29
16 put at age of 28 to 29 when they first met, right? 11:48:31
17 A. Yes. 11:48:37
18 Q. Okay. Where did he ever tell you that he 11:48:39
19 believed that she was 25 or 20 years old when they 11:48:42
20 first met -- I mean, strike that. 11:48:50
21 When did he ever tell you that he thought 11:48:51
22 her present age was less than 30? 11:48:52
23 A. So on multiple occasions he said that 11:48:57
24 they met seven years prior to being married at 18 11:49:01
25 or 19, and that was shared on multiple occasions. 11:49:08

1 Q. So now let me ask you to take a look 11:51:51
2 at -- did you -- as part of your reporting to 11:52:04
3 Mr. Musk, did you give Mr. Musk the benefit of the 11:52:21
4 answers to the questions you had posed to 11:52:26
5 Mr. Howard; that you had posed on the 26th, he then 11:52:29
6 answered on the 27th, Exhibit 65? 11:52:36
7 Did you give that information or the 11:52:38
8 significant or key points in that report to 11:52:41
9 Mr. Musk? 11:52:44
10 A. I'm sure I would have communicated, you 11:52:45
11 know, in some form, the responses. 11:52:47
12 Q. Accurately? 11:52:54
13 A. As accurately as I could of in whatever 11:52:57
14 summary I was giving him. 11:53:00
15 Q. Well, this is a key and significant issue 11:53:01
16 of when they met, right? You would have told -- 11:53:02
17 you believe you told Mr. Musk what this report 11:53:04
18 said. That Howard believes that Tik was 30 when 11:53:08
19 they met -- or it's 30 at the present time, and 11:53:13
20 would have put her at 18 or 19 when they first met. 11:53:15
21 You would have told that to Mr. Musk, wouldn't you? 11:53:18
22 A. I -- I'm sure I would have mentioned 11:53:21
23 that, because his assertion of the age when they 11:53:24
24 met had been repeatedly presented to us as a young 11:53:29
25 teenager, that -- that that assertion was evolving. 11:53:36

1 And I would imagine that I would have shared that 11:53:41
2 with him. 11:53:44

3 Q. So before sharing with him that -- that 11:53:44
4 Howard had said he believed they were 18 or 19 when 11:53:46
5 they met, do you believe prior to that you had told 11:53:50
6 Mr. Musk that Howard had reported that they were -- 11:53:53
7 that Tik was 12 or 13 when they met? 11:53:56

8 A. I'm sure at some point that I did 11:54:00
9 communicate with them. 11:54:02

10 Q. I know that. I'm trying to find out at 11:54:03
11 what point. Do you believe that Mr. Howard had 11:54:07
12 suggested to you that he had information that Tik 11:54:08
13 was 12 or 13 when they met prior to him writing you 11:54:11
14 on the 27th of August saying that he calculated the 11:54:14
15 age of Tik when they met at 18 to 19? 11:54:20

16 A. Yes. 11:54:25

17 Q. So now you've got conflicting information 11:54:25
18 from Mr. Howard. Earlier he's told you 12 or 13. 11:54:27
19 Now he's telling you 18 to 19, true? 11:54:32

20 A. True. 11:54:36

21 Q. And he's telling you that that's -- he's 11:54:36
22 in the process of verifying that, right? It's 11:54:39
23 unverified? 11:54:42

24 A. Correct. 11:54:44

25 Q. And you would have told Mr. Musk that 11:54:44

1 this is what he's telling me, but it's not verified 11:54:45
2 yet. He's in the process of verifying it, right? 11:54:50
3 MR. SPIRO: Objection; calls for 11:54:52
4 speculation. Form. 11:54:52
5 BY MR. L. WOOD: 11:54:53
6 Q. Okay. Answer my question, please. 11:54:53
7 A. Yeah. I would -- I mean, I don't know 11:54:56
8 what verbiage I used with Mr. Musk that day, but I 11:54:57
9 would have attempted to summarize this in the best 11:55:00
10 way possible to him. 11:55:04
11 Q. Well, this is a key and significant 11:55:05
12 issue. What age were they when they met, right? 11:55:08
13 A. It's an important part of this, yes. 11:55:11
14 Q. Yeah, so you had earlier told Mr. Musk 11:55:13
15 that you had information from Howard that they met 11:55:16
16 when Tik was 12 or 13? 11:55:19
17 A. Um-hmm. 11:55:21
18 Q. Yes? 11:55:21
19 A. Yes. 11:55:22
20 Q. Prior to August 27, right? 11:55:23
21 A. Correct. 11:55:26
22 Q. And now on August the 27th, you're 11:55:26
23 getting different information that says 18 to 19 11:55:28
24 that they're trying to verify, right? 11:55:32
25 A. Right. 11:55:34

1 Q. And you would have told Mr. Musk "Hey, 11:55:35
2 he's changed it. 12 or 13, and now he's telling me 11:55:37
3 18 or 19." 11:55:41
4 MR. SPIRO: Objection; form. 11:55:42
5 BY MR. L. WOOD: 11:55:42
6 Q. You would have told him that, would you 11:55:43
7 not, sir? 11:55:44
8 MR. SPIRO: You can answer. 11:55:45
9 THE WITNESS: Oh, there were multiple 11:55:46
10 changes in the story. 11:55:48
11 BY MR. L. WOOD: 11:55:50
12 Q. I'm not asking about multiple changes. 11:55:51
13 A. And this would have been one of those 11:55:53
14 items that I shared. 11:55:55
15 Q. Right. Yes, you would have told him 11:55:56
16 "Look, he's told me 12 to 13. But now I've got a 11:55:57
17 report from him saying 18 to 19 that he's trying to 11:56:01
18 verify," right? 11:56:02
19 A. Likely, yes. 11:56:04
20 Q. Because that's -- that's a big conflict. 11:56:04
21 It's very significant to know whether they met at 11:56:05
22 12 or 13 as he had earlier told you before the 27th 11:56:09
23 of August, to then come up on the 27th of August 11:56:12
24 and say "Hey, we think it was 18 to 19," right? 11:56:15
25 A. There is a difference. 11:56:19

1 Q. That's a big deal. And that information 11:56:20
2 you communicated to Elon Musk, true? 11:56:22
3 A. Likely. I don't know what words or what 11:56:24
4 form, but yes, likely that -- 11:56:26
5 Q. You would have made the point that there 11:56:27
6 had been a change, a significant change in the date 11:56:29
7 of her age of when they met from prior to the 27th 11:56:31
8 what he told you, and what he told you on the 27th, 11:56:35
9 true? 11:56:38
10 A. Likely. 11:56:39
11 MR. L. WOOD: What number are we up to 11:56:39
12 now? 11:56:39
13 THE WITNESS: 66. 11:56:39
14 MR. L. WOOD: 66. 11:56:39
15 Off the record for a second. 11:56:39
16 (Exhibit 66 was marked for 11:56:39
17 identification.) 11:56:39
18 THE VIDEOGRAPHER: And we are going off 11:57:12
19 the record at 11:56 a.m. 11:57:13
20 (Recess taken.) 11:57:42
21 THE VIDEOGRAPHER: And we're back on the 11:57:43
22 record at 11:56 a.m. 11:57:44
23 BY MR. L. WOOD: 11:57:46
24 Q. Now, on -- I've handed you what has been 11:57:48
25 marked for purposes of identification as 11:57:50

1 Exhibit 66. 11:57:51

2 Are you familiar with that email 11:57:52

3 exchange? 11:57:55

4 A. Yes. 11:57:56

5 Q. Chain. 11:57:56

6 And did you review that yesterday? 11:57:56

7 A. Yes. 11:58:00

8 Q. And this is another email that you had 11:58:02

9 yourself compiled from your search back several 11:58:04

10 weeks ago, right? 11:58:07

11 A. Correct. 11:58:08

12 Q. Now, on the 28th, Mr. Howard is providing 11:58:10

13 you with additional information about Mr. Musk. I 11:58:17

14 mean, about Mr. Unsworth, but not information about 11:58:22

15 the age of Tik when they met, true? 11:58:25

16 A. Yeah. I don't see anything talking about 11:58:30

17 age here. 11:58:33

18 Q. And you write back, and say "Thank you 11:58:37

19 for this information," right? 11:58:40

20 A. Yes, I did. 11:58:46

21 Q. And then you say "We would like you to 11:58:48

22 immediately move forward with "leaking" this 11:58:50

23 information to the UK press. Obviously must be 11:58:55

24 done very carefully." 11:58:58

25 Have I read that correctly? 11:58:59

1	A.	Correct.	11:59:01
2	Q.	The "we" is you and Mr. Musk, true?	11:59:01
3	A.	Yes.	11:59:06
4	Q.	Mr. Musk wanted this information leaked	11:59:07
5		to the UK press, true?	11:59:09
6	A.	I believe so, yes.	11:59:13
7	Q.	In fact it was his idea, because this was	11:59:15
8		an area outside of your life's experience dealing	11:59:17
9		with the press.	11:59:21
10		Mr. Musk was the one that said -- when	11:59:24
11		you gave him the information, said "Hey, let's get	11:59:26
12		it leaked to the UK press," true?	11:59:29
13		MR. SPIRO: Objection; form.	11:59:31
14		BY MR. L. WOOD:	11:59:32
15	Q.	True?	11:59:33
16	A.	It was James Howard's idea.	11:59:33
17	Q.	No. "We would like you to immediately	11:59:35
18		move forward with leaking this information to the	11:59:37
19		UK press."	11:59:39
20		That is you and Mr. Musk, right?	11:59:40
21	A.	In this in correspondence. There was	11:59:42
22		prior correspondence where he was the one that	11:59:43
23		initiated the idea of using the press to balance	11:59:46
24		the scales in this.	11:59:51
25		MR. SPIRO: "He" meaning who?	11:59:52

1 THE WITNESS: James Howard. 11:59:55

2 BY MR. L. WOOD: 11:59:54

3 Q. And that was in writing -- 11:59:55

4 A. Uh -- 11:59:57

5 Q. You said in correspondence -- prior 11:59:57

6 correspondence he was the one that initiated the 11:59:59

7 idea of using the press to balance the scales? 12:00:02

8 A. I can't clearly state whether it was in 12:00:06

9 writing or not. I would have to go back and look, 12:00:08

10 but he clearly was the one that initiated that 12:00:09

11 idea. 12:00:12

12 Q. Aside for the moment who initiated the 12:00:16

13 idea -- 12:00:19

14 A. Um-hmm. 12:00:19

15 Q. -- let's assume that it was Mr. Howard as 12:00:19

16 you said. 12:00:20

17 A. Okay. 12:00:21

18 Q. You and Elon Musk said "Yes, go ahead and 12:00:22

19 leak it," right? 12:00:26

20 A. Yes. 12:00:27

21 Q. You knew it was going -- you said "We 12:00:28

22 agree to it," and Mr. Musk said that "I agree to it 12:00:30

23 being leaked," right? 12:00:33

24 A. Yes. 12:00:35

25 Q. And who -- whose idea was it where you 12:00:36

1 Q. Yeah. "Share the facts" -- 12:02:48

2 A. As you said -- 12:02:49

3 Q. Meaning, share these facts with the 12:02:50

4 media, right? That you bullet point above? 12:02:52

5 A. Yeah, I mean, let's see here. I'm 12:03:03

6 clearly responding to something that he said. 12:03:14

7 Q. Well, you're responding to his email 12:03:20

8 below. "Thank you for this information." 12:03:22

9 And then you say "We'd like to move 12:03:24

10 forward with leaking the information to the UK 12:03:26

11 press," which you say is an idea that he had raised 12:03:29

12 with you, right? 12:03:32

13 A. Correct. 12:03:33

14 Q. "Obviously must be done very carefully." 12:03:33

15 And then you say "The line of thinking at this 12:03:35

16 point is as follows." And is that then the facts 12:03:39

17 that you wanted -- you and Mr. Musk had agreed 12:03:43

18 should be leaked to the UK press? 12:03:47

19 A. Yeah, what I'm questioning in my mind is 12:03:50

20 was there a phone conversation in between what he 12:03:53

21 and what I sent, which would have been me referring 12:03:57

22 to the facts that he said. I don't know. 12:04:00

23 Q. Mr. Musk may have had input in 12:04:10

24 collaborations, discussions with you about what 12:04:13

25 facts or information were going to be shared in the 12:04:15

1 media leaks, true? 12:04:18

2 A. May have. 12:04:20

3 Q. Yes. You don't deny that he did, do you? 12:04:21

4 A. Yeah, I mean, I don't know to what 12:04:25

5 extent, but he may have had some input on that. 12:04:27

6 Q. Wouldn't that be consistent with how you 12:04:30

7 all were collaborating about going back and forth 12:04:31

8 in your discussions with Mr. Howard? 12:04:34

9 A. Typically. 12:04:36

10 Q. And then it says "Share the facts, and as 12:04:37

11 you said, that should be enough for a story." 12:04:41

12 I've read that correctly, right? 12:04:45

13 A. That is correct. 12:04:47

14 Q. Then you go to say "But we'd like to make 12:04:48

15 this happen immediately." 12:04:51

16 Have I read that correctly? 12:04:52

17 A. Yes. 12:04:54

18 Q. And you are saying there what you knew is 12:04:54

19 that you and Mr. Musk did want these leaks to 12:04:57

20 happen immediately, true? 12:05:02

21 A. Yes. 12:05:05

22 MR. L. WOOD: Why don't we get the lunch 12:05:11

23 and take a five-minute break. 12:05:11

24 THE VIDEOGRAPHER: We are going off the 12:05:13

25 record at 12:04 p.m. 12:05:15

1 Q. You have not deleted anything, right? 12:18:49
2 A. Right. No. 12:18:52
3 Q. So looking at the 28th at 9:55, it looks 12:18:53
4 like Mr. Howard says "Jim, are you free for a 12:19:00
5 conversation"? 12:19:03
6 And you write back in ten minutes, and 12:19:05
7 you say "Now works," right? 12:19:07
8 A. Correct. 12:19:12
9 Q. And then he asked you for more money. 12:19:13
10 Can you authorize a further 12,000 U.S. dollars to 12:19:16
11 expedite the second stages of the project as 12:19:22
12 discussed? 12:19:27
13 A. Yes, I see that. 12:19:29
14 Q. And you said "Yes, we can get it out 12:19:31
15 tomorrow. What is the timeline?" Right? 12:19:33
16 A. Um-hmm. 12:19:35
17 Q. He says "Jim, timeline is ASAP. I am 12:19:37
18 meeting Mike at 0800 GMT to begin the process. It 12:19:41
19 has to appear organic and not contrived." 12:19:49
20 Did you understand him to be referring to 12:19:53
21 the media leaks? 12:19:55
22 A. Yes. Something involving the media, 12:19:58
23 yeah. 12:20:00
24 Q. "Priority is to divert the story away 12:20:01
25 from the principal." 12:20:06

1 That would be referring to Elon Musk, 12:20:08
2 right? 12:20:09
3 A. Yup. 12:20:11
4 Q. "Priority is to divert the story away 12:20:11
5 from the principal, and let the UK tabloids develop 12:20:15
6 their story." 12:20:17
7 Hoping to get a story about 12:20:20
8 Vernon Unsworth, right? 12:20:21
9 A. Correct. 12:20:24
10 Q. "And an unflattering story," true? 12:20:25
11 A. Right. Just wherever the cards would 12:20:27
12 fall in investigative work, gathering information 12:20:33
13 and -- but yes, something that would be -- would 12:20:34
14 have people question the motive for being in 12:20:37
15 Thailand. 12:20:45
16 Q. And raise the possibility of sexual 12:20:45
17 misconduct, including pedophilia? 12:20:48
18 A. I mean, that would be among the things 12:20:56
19 that people would question, I would assume, yes. 12:20:58
20 Q. And you wanted that story to be 12:21:01
21 published, and Mr. Musk wanted it to be published 12:21:03
22 too. True? 12:21:06
23 A. When you say "that story." I mean, 12:21:07
24 it's -- 12:21:08
25 Q. Well, the points that you all talked 12:21:09

1 about on Exhibit 66. 12:21:11

2 A. Yeah. 12:21:13

3 Q. That's what you were talking about, 12:21:13

4 right? 12:21:15

5 A. Yeah, I mean, in general you have someone 12:21:16

6 who has disrupted many industries, and you as a 12:21:18

7 result has many people who seek to discredit him, 12:21:22

8 and therefore any data point, good or bad, is blown 12:21:24

9 extremely out of proportion in the media, and 12:21:29

10 therefore, you know, my instinct to protect was 12:21:32

11 that we needed to somehow balance, because there 12:21:39

12 was a clear imbalance in what was in the media. 12:21:42

13 Q. The imbalance being Elon Musk was looking 12:21:48

14 very bad? 12:21:52

15 A. 100 percent negative towards -- 12:21:53

16 Q. And Unsworth was looking very good as a 12:21:54

17 victim? 12:21:57

18 A. It was all negative -- or a lot of it was 12:21:57

19 negative toward Elon. 12:21:58

20 Q. And you wanted to shift the balance to 12:22:00

21 have more negative about Vernon Unsworth. 12:22:01

22 A. To have a more balanced view. If there 12:22:02

23 was information to be found, part of it was to 12:22:04

24 encourage investigative reporting to do, you know, 12:22:08

25 part of the lifting here. 12:22:10

1 Bates 0201. 12:26:25

2 Are you with me? 12:26:28

3 A. Yes, I'm looking at it. 12:26:30

4 Q. And then compare 66 with the bullet 12:26:31

5 points. 12:26:34

6 A. Yes. 12:26:37

7 Q. Am I correct that Mr. Howard is sending 12:26:38

8 to the Sun News in the UK almost -- almost 12:26:43

9 verbatim, the bullet points that are reflected in 12:26:47

10 Exhibit 66 under "The line of thinking at this 12:26:53

11 point is as follows"? 12:26:59

12 A. Yeah. Yes; very similar. 12:27:01

13 Q. So when you say that you and Mr. Musk 12:27:06

14 agreed that this information could be leaked, 12:27:09

15 you -- you both wanted it published to, as you say, 12:27:12

16 balance the scales of the coverage, right? 12:27:16

17 A. Yes. 12:27:21

18 Q. You weren't -- you weren't literally or 12:27:23

19 anticipating or expecting it to be published. You 12:27:25

20 wanted it published, true? You and Mr. Musk? 12:27:28

21 A. I'm not sure the difference between them. 12:27:31

22 Q. There may not be any. The fact of the 12:27:33

23 matter is you and Elon Musk wanted this information 12:27:34

24 contained in Exhibit 66 and forwarded to the Sun as 12:27:38

25 reflected on Exhibit 67, you and Mr. Musk wanted 12:27:43

1 this information to be public; to be written about 12:27:48
2 by the media, true? 12:27:54
3 A. Yes. 12:27:55
4 Q. And then on the next page it appears that 12:28:05
5 Mr. -- and correct me if I'm wrong -- it appears 12:28:07
6 that Mr. Howard is telling you that he has now 12:28:10
7 reached out to Mick Smith at the Daily Mail. 12:28:13
8 And he has a little text exchange with 12:28:18
9 Mr. Smith above, right? 12:28:22
10 A. Yes. 12:28:24
11 Q. And did you understand that that was 12:28:24
12 telling you in essence that "I've given the same 12:28:26
13 information to Mr. Smith that I gave to the Sun. 12:28:29
14 They're interested, but here is what he said." And 12:28:31
15 he sent you the text, right? 12:28:36
16 A. Yes, I believe so. 12:28:39
17 Q. And then you suggest in your text of 12:28:50
18 8:29, another thought -- other thought. "Maybe we 12:28:55
19 consider the Australian press as well. The UK 12:29:00
20 press may be prone to protect one of their own." 12:29:05
21 Have I read that correctly? 12:29:08
22 A. Yes. 12:29:10
23 Q. And that is your suggestion, true? 12:29:10
24 A. True. 12:29:12
25 Q. Did you and Mr. Musk discuss that and 12:29:12

1 So again, I -- could he have been a part of this 12:31:07
2 conversation? It is very possible. I just don't 12:31:11
3 clearly recollect. 12:31:14
4 Q. Can we agree that it would have been one 12:31:15
5 of two things. Either Mr. Musk suggested to you 12:31:18
6 "See if he can get this in Australia," or you came 12:31:21
7 up with the idea "Maybe we can get something done 12:31:27
8 in Australia," true? 12:31:30
9 A. It could have been either of those. 12:31:32
10 Q. But either one -- Mr. Musk would have 12:31:34
11 known that you were suggesting the avenue of also 12:31:36
12 publishing in Australia, true? 12:31:42
13 A. Likely. 12:31:44
14 Q. Why were you focusing the efforts to leak 12:31:50
15 this information initially on the United Kingdom; 12:31:54
16 UK? 12:31:59
17 A. I mean, just that's where he was. That's 12:32:01
18 where we had reason to believe that he was looking 12:32:04
19 for counsel. 12:32:10
20 I mean, that's, you know, what Howard was 12:32:11
21 sharing with us. That's where Howard was based out 12:32:14
22 of. That's where his kind of central focus was, so 12:32:18
23 I think that's what influenced that. 12:32:21
24 Q. Do you think the time zone on that -- 12:32:34
25 your email is May 29 at 7:52 p.m. Do you think 12:32:35

1 all -- what was the ruse -- or lack of a better 12:34:02
2 word -- about this representative of a UK charity? 12:34:06
3 Who were you trying to say this was 12:34:09
4 coming from somebody that represented a UK charity 12:34:11
5 interested in Mr. Unsworth as an ambassador? 12:34:15
6 A. In reviewing that -- so I was relying on 12:34:21
7 James Howard to investigate this, using the, you 12:34:28
8 know, norms and resources and rules and whatever 12:34:32
9 that would be commonly expected in an 12:34:39
10 investigation. 12:34:42
11 That is not my bailiwick, but -- let 12:34:43
12 alone in another country, let alone across 12:34:47
13 countries. And from what I understood, that was 12:34:51
14 one of his methods to be able to gather 12:34:55
15 information. 12:35:01
16 Q. And Mr. Howard was telling you that he 12:35:03
17 also thought he could get information about 12:35:06
18 Mr. Unsworth's legal strategy through 12:35:08
19 Mr. Unsworth's law firm in the UK, true? 12:35:13
20 Mark Stephens? 12:35:16
21 A. We asked to verify whether or not there 12:35:20
22 was counsel being retained. There was no request 12:35:22
23 for, you know, strategic information or -- we were 12:35:27
24 asking for verification whether or not there was 12:35:34
25 counsel. 12:35:36

1	A. No. It sounds like something I would	12:36:56
2	have used.	12:36:59
3	Q. What did you mean when you tell him to	12:37:00
4	be -- just to "make sure the team in Thailand keeps	12:37:03
5	digging, creatively, extensively, and when	12:37:06
6	possible, aggressively."	12:37:10
7	What are you suggesting that he's telling	12:37:11
8	these people to do, since it's your phrase and not	12:37:13
9	Mr. Musk?	12:37:16
10	A. To me that is pretty straightforward; to	12:37:18
11	go -- kind of think outside of the box and to it	12:37:20
12	exhaust every resource, and to, as possible,	12:37:23
13	aggressively seek out, you know, the information.	12:37:30
14	Q. Why was it that important to you to make	12:37:34
15	sure that this effort to leak information to the	12:37:38
16	media -- strike that.	12:37:41
17	Why was it so important to you to	12:37:43
18	reiterate to Mr. Howard that the team in Thailand	12:37:47
19	keep digging and dig creatively, extensively, and	12:37:52
20	when possible, aggressively.	12:37:57
21	Why was that so important to you?	12:37:57
22	A. Because he had provided a lot of	12:38:02
23	information at that point, and that information had	12:38:04
24	at times varied, and we needed to -- you know, all	12:38:07
25	along we told him that we wanted facts	12:38:14

1 hired him. He was not working for any law firm. 12:40:03
2 BY MR. L. WOOD: 12:40:07
3 Q. All right. I don't want to know anything 12:40:07
4 that a lawyer said to you, and I don't know if 12:40:10
5 it's -- you can tell me. 12:40:12
6 First, yes or no, did you ever discuss 12:40:14
7 with Mr. Musk the idea that you needed to get 12:40:16
8 another or different investigator to flush out the 12:40:20
9 truth, yes or no? 12:40:25
10 A. Yes. Yes. In early September when the 12:40:28
11 facts had fluctuated enough, and -- and we were 12:40:30
12 pressing him hard to substantiate some of the 12:40:34
13 claims that he had made, including those about his 12:40:38
14 age and he was still waffling between a marriage 12:40:41
15 date and a -- and a "met date," and you know, 12:40:43
16 things like that. And records that existed about 12:40:45
17 him verified in hotel stays in Pattaya and all that 12:40:50
18 stuff. When that stuff didn't materialize, 12:40:56
19 there -- there was a discussion that you know, 12:40:57
20 about do we need to find something; a different 12:41:04
21 solution here. 12:41:07
22 Q. Who was involved in that discussion? 12:41:08
23 A. It would have been -- 12:41:10
24 Q. Just you and Mr. Musk? 12:41:11
25 A. Yes. 12:41:12

1 Q. What did he say? 12:41:14

2 A. Well, I mean, I don't recall the words 12:41:16

3 that were said. 12:41:18

4 Q. Well, did he say "Get another 12:41:18

5 investigator"? 12:41:20

6 A. No. He just -- it was questioning -- you 12:41:20

7 know, at that point the validity of this guy, 12:41:22

8 and -- and whether or not we needed a backup or a 12:41:27

9 secondary investigator in the process. 12:41:35

10 Q. Well, if your goal was to investigate to 12:41:37

11 find out the truth, you would agree with me at this 12:41:39

12 time when you-all were questioning to get another 12:41:45

13 investigator, you and Mr. Musk were concerned that 12:41:48

14 you weren't getting a straight story from 12:41:50

15 Mr. Howard, true? 12:41:53

16 A. True. 12:41:54

17 Q. So if you really wanted -- you had 12:41:55

18 concerns about whether you were getting the truth 12:41:58

19 from Mr. Howard, you tell me, right? 12:41:59

20 A. Correct. 12:42:01

21 Q. Mr. Musk had that same concern, true? 12:42:02

22 A. True. 12:42:05

23 Q. And you-all had had that concern ever 12:42:05

24 since his data being provided to you started to 12:42:07

25 change, right? 12:42:11

1	A.	That's right.	12:42:12
2	Q.	Like when it went from 12 or 13 prior to	12:42:12
3		27th, to 18 to 19 on the 27th, right?	12:42:16
4	A.	Yes, though it continued to waffle even	12:42:19
5		after the 27th --	12:42:22
6	Q.	We can go into that at length --	12:42:23
7	A.	There were phone conversations --	12:42:23
8	Q.	-- about waffling on the age and when	12:42:24
9		they met and when they got allegedly married.	12:42:27
10	A.	Okay.	12:42:29
11	Q.	But right now I'm trying to just pin down	12:42:29
12		in my mind's eye when you had this conversation	12:42:32
13		with Mr. Musk, and the goal was let's find out the	12:42:34
14		truth. We need an investigation to learn the	12:42:38
15		truth, right? Right?	12:42:41
16	A.	Correct.	12:42:43
17	Q.	Both of you-all had serious doubts about	12:42:45
18		whether you were in the hands of the right guy with	12:42:48
19		Jim Howard, true?	12:42:50
20		MR. SPIRO: Objection. Date? When?	12:42:52
21		MR. L. WOOD: At the time they had the	12:42:53
22		meeting about whether they needed to get another	12:42:55
23		investigator?	12:42:57
24		MR. SPIRO: That was September.	12:42:57
25		THE WITNESS: Well, yeah, so early	12:42:57

1 September. 12:42:58

2 MR. L. WOOD: Who cares. I'm not asking 12:42:59

3 about the date. Early September. 12:43:00

4 MR. SPIRO: All I'm saying is in a couple 12:43:03

5 of your last questions, I just want to make sure 12:43:03

6 the time is accurate. 12:43:04

7 MR. L. WOOD: I'm listening. Nobody is 12:43:06

8 trying to sneak anything in here -- 12:43:06

9 MR. SPIRO: No -- 12:43:08

10 MR. L. WOOD: -- on this side of the 12:43:08

11 table. Look, I'm saying that September -- you 12:43:09

12 believed this conversation occurred in very early 12:43:11

13 of September, right? 12:43:14

14 THE WITNESS: Yes. 12:43:17

15 BY MR. L. WOOD: 12:43:17

16 Q. Likely after you got the preliminary 12:43:17

17 report of the 30th and the final report, or at 12:43:19

18 least not preliminary report, on September 1? 12:43:22

19 A. Yes. 12:43:25

20 Q. That's when you and Elon Musk sat down 12:43:26

21 and said "Wait a minute. This guy is all over the 12:43:29

22 place. Maybe we ought to get somebody else," 12:43:30

23 right? 12:43:34

24 A. Yeah, I mean, I don't think there was 12:43:35

25 like this one summit meeting that summed that up, 12:43:36

1 but there was -- there were a few conversations 12:43:38
2 that -- that caused us to question, you know, the 12:43:41
3 validity, and then what is the solution for this. 12:43:44
4 Q. And at least one of those conversations, 12:43:50
5 if not more, had occurred when you got the 12:43:51
6 information saying 18 to 19. 12:43:55
7 You told Mr. Musk without delay "We're 12:43:58
8 getting different information now, Elon," right? 12:44:02
9 A. Yes. 12:44:06
10 Q. And that would have been reported to him 12:44:06
11 within a day? 12:44:09
12 A. Most likely, yes. 12:44:11
13 Q. By the 28th he knew there was a problem 12:44:13
14 in the dates that you were getting on when they met 12:44:16
15 and when they got married, right? 12:44:18
16 A. You say a "problem," I mean... 12:44:20
17 Q. Well, the date -- 12:44:23
18 A. Yeah, he was waffling. 12:44:23
19 Q. -- a serious discrepancy? 12:44:23
20 A. He was waffling as far as when marriage 12:44:25
21 versus met, yeah. Yes, he was waffling back and 12:44:28
22 forth there. 12:44:31
23 Q. And not just waffling a little bit. You 12:44:31
24 recognized that there was a serious discrepancy in 12:44:34
25 what he was telling you according to you on when 12:44:36

1 they met in terms of Tik's age, and you knew that 12:44:40
2 on the 27th and 28th, and you discussed it with 12:44:45
3 Mr. Musk, true? 12:44:48
4 A. I would have shared the information that 12:44:50
5 was shared with me. 12:44:52
6 Q. On the 28th when you got it? 12:44:53
7 A. Most likely, yes. 12:44:56
8 MR. L. WOOD: Let me get, if you don't 12:44:57
9 mind -- 17. What number did you come up with? 12:44:57
10 MR. M. WOOD: 68, yeah. 12:44:57
11 MR. L. WOOD: 68, thank you. 12:44:57
12 (Exhibit 68 was marked for 12:44:57
13 identification.) 12:44:57
14 BY MR. L. WOOD: 12:45:51
15 Q. Exhibit 68. Are you familiar with that 12:46:01
16 document? 12:46:03
17 A. I'm looking at it right now. 12:46:06
18 Yes, I am familiar with this document. 12:46:08
19 Q. And this was the August 30th project. 12:46:14
20 Rowena preliminary report, true? 12:46:18
21 A. Yes, that's -- 12:46:22
22 Q. This was information received by you from 12:46:23
23 Mr. Howard before Mr. Musk sent his email on the 12:46:27
24 30th to Ryan Mac, true? 12:46:33
25 A. I don't know the time schedule of what 12:46:36

1	A. Yes.	12:52:10
2	Q. Which meant it had to go to Elon Musk	12:52:10
3	from you, right?	12:52:15
4	A. Yes.	12:52:15
5	Q. Did you ever refer to Mr. Unsworth as a	12:52:16
6	child rapist?	12:52:19
7	A. I never used that term.	12:52:22
8	Q. Neither did Mr. Howard, true?	12:52:24
9	A. True.	12:52:27
10	Q. Just like he told you when you tried to	12:52:28
11	write him on September the 6th and try to explain	12:52:29
12	to him how Mr. Musk might have somehow confused or	12:52:32
13	inferred or drawn the wrong conclusions about the	12:52:35
14	information -- he made it clear to you -- clear	12:52:39
15	as -- water. "I never said child rapist." And	12:52:41
16	there's a big difference between saying somebody's	12:52:47
17	18 or 19, and somebody saying that you are a child	12:52:51
18	rapist.	12:52:56
19	His mistake is he acknowledged to you was	12:52:56
20	the age 30 to 40, and you were upset because that	12:53:00
21	put them meeting at age 29 to 30 instead of 18 or	12:53:03
22	19, right?	12:53:05
23	MR. SPIRO: Objection. That question --	12:53:07
24	BY MR. L. WOOD:	12:53:08
25	Q. I'm going to go through it with you in a	12:53:08

1 A. Yeah, I'm looking, but I don't know of 12:54:03
2 where it would say that. 12:54:08
3 Q. Well, look at 0443 if that helps. 12:54:09
4 A. Okay. I'm looking at it. 12:54:12
5 Q. Third paragraph on the first right-hand 12:54:21
6 column: "Mr. Unsworth is 63 years old. His wife, 12:54:21
7 we believe, is 30. We will confirm this in the 12:54:24
8 next 48 hours, which would have put her at 18 to 19 12:54:28
9 when they first met. The target would have been 52 12:54:34
10 years old at the time." 12:54:40
11 Have I read that correctly? 12:54:41
12 A. Yes. 12:54:43
13 Q. So the latest and greatest information 12:54:43
14 you had on August the 30th from Mr. Howard was that 12:54:45
15 he believed that Tik was 30, but he had to confirm 12:54:49
16 that in the next 48 hours, but that if 30 was 12:54:53
17 correct, they would have met at age -- when she was 12:54:57
18 age 18 to 19, true? 12:54:59
19 MR. SPIRO: Objection to form. 12:55:02
20 MR. L. WOOD: True? 12:55:02
21 MR. SPIRO: You can answer that. 12:55:02
22 THE WITNESS: Yes. I mean, based on what 12:55:03
23 is written here, it's true. 12:55:03
24 BY MR. L. WOOD: 12:55:04
25 Q. And then look over, if you would -- if 12:55:04

1 you look back at Exhibit 65, that was the
2 green-orange-red report, right?

3 A. I'm looking at that. 12:56:06

4 Q. He says in that report on page 2 on the 12:56:07
5 27th of August, "The target is 63 years old. His 12:56:10
6 wife, we believe, is 30, which would have put her 12:56:12
7 at 18 to 19 when they first met. The target would 12:56:14
8 have been 52 years old at the time." 12:56:17

9 That is the exact same information that 12:56:20
10 he provided in the report on August 30th that he 12:56:23
11 had earlier provided you on the 27th, true? 12:56:26

12 A. True. 12:56:30

13 Q. And we can agree that if you first meet, 12:56:31
14 for purposes of the question, at age 18 or 19, it 12:56:33
15 is impossible that you got married seven years 12:56:40
16 earlier than when you met, true? 12:56:46

17 A. That is true. 12:56:47

18 MR. L. WOOD: Why don't we take our lunch 12:56:48
19 break. 12:56:50

20 MR. SPIRO: Good deal. 12:56:51

21 THE VIDEOGRAPHER: Off the record at 12:56:51
22 12:56 p.m. 12:56:52

23 (Recess taken.) 13:49:44

24 THE VIDEOGRAPHER: And we are back on the 13:50:38
25 record at 1:50 p.m. 13:51:14

1 Q. Did you want to try to get information on 14:04:53
2 his litigation strategy? 14:04:55
3 A. We never asked for that. 14:04:56
4 Q. Never used those words -- 14:04:58
5 A. Never. 14:04:59
6 Q. -- nor did he ever use those words 14:05:00
7 regarding trying to learn about the litigation 14:05:02
8 strategy of Mr. Unsworth. Is that your testimony? 14:05:05
9 A. He, being -- 14:05:08
10 Q. Mr. Howard? 14:05:09
11 A. Mr. Howard? Whether or not he used those 14:05:10
12 words, I'm not sure, but we never asked him to 14:05:13
13 discover strategy regarding his -- 14:05:15
14 Q. Did you put the brakes on him when you 14:05:19
15 realized he was trying to surveil matters regarding 14:05:21
16 Mr. Unsworth and his lawyers? Did you say "Don't 14:05:24
17 do that"? Did you ever do that? 14:05:27
18 A. No. We asked him to provide general 14:05:30
19 surveillance. 14:05:35
20 MR. SPIRO: Just to clarify the record, 14:05:36
21 the "we" -- are you talking about yourself? 14:05:37
22 MR. L. WOOD: Hang on a second. Let him 14:05:41
23 answer the question. You can clarify what you need 14:05:42
24 on your part of the examination. 14:05:46
25 ///

1 BY MR. L. WOOD: 14:05:46

2 Q. Did you put the brakes on him when you 14:05:46

3 realized he was trying to surveil matters regarding 14:05:48

4 Mr. Unsworth and his lawyers? Did you ever do 14:05:52

5 that? 14:05:56

6 A. No. The assumption of any surveillance 14:05:56

7 that was being done was that it was following any 14:05:58

8 guideline that proper investigations should follow. 14:06:03

9 Q. But the surveillance that was being done 14:06:06

10 was being done at the request and on the dime of 14:06:09

11 Mr. Elon Musk, true? 14:06:13

12 MR. SPIRO: Objection on "the request 14:06:15

13 of." 14:06:16

14 THE WITNESS: The request was to confirm 14:06:17

15 counsel as being secured, and there was no further 14:06:20

16 guidance suggesting that he needed to surveil a 14:06:29

17 lawyer or to surveil a meeting with a lawyer or 14:06:32

18 overhear a conversation with a lawyer; that none of 14:06:35

19 that happened. 14:06:41

20 BY MR. L. WOOD: 14:06:44

21 Q. Did you provide Mr. Musk with the 14:06:44

22 information that he was meeting with 14:06:46

23 Howard Stevens? 14:06:48

24 A. Likely. 14:06:49

25 MR. SPIRO: Howard Stevens? 14:06:54

1 THE WITNESS: It's Mark Stephens. 14:06:57
2 MR. L. WOOD: Mark Stephens. 14:06:57
3 MR. SPIRO: Yeah. 14:06:59
4 MR. L. WOOD: There are a lot of names. 14:06:59
5 MR. SPIRO: I know, that's just for your 14:07:01
6 own... 14:07:01
7 MR. L. WOOD: The firm was 14:07:03
8 Howard Kennedy. 14:07:03
9 THE WITNESS: Yes. 14:07:04
10 MR. L. WOOD: That's where I got it. 14:07:04
11 MR. SPIRO: No, I know. 14:07:05
12 MR. L. WOOD: If Mark is listening or 14:07:05
13 watching, I hope he will forgive me. 14:07:07
14 THE WITNESS: Likely that was information 14:07:10
15 that I shared. 14:07:12
16 BY MR. L. WOOD: 14:07:13
17 Q. You would have informed Mr. Musk of that 14:07:13
18 information? 14:07:14
19 A. Likely, yes. 14:07:16
20 Q. Relatively soon after you received it? 14:07:17
21 A. Typically within 24 hours was the 14:07:21
22 cadence. 14:07:23
23 Q. And sooner if Mr. Musk's schedule 14:07:24
24 permitted. Because you said you wanted to get the 14:07:25
25 information from Mr. Howard to him along the way, 14:07:27

1 but on his schedule as soon as possible, true? 14:07:31

2 A. Sure, if possible. 14:07:35

3 Q. And generally, that would have meant 14:07:36

4 clearly at least no longer than 24 hours? 14:07:39

5 A. Generally, yes. 14:07:41

6 Q. Generally sooner, though, true? 14:07:43

7 A. If possible. 14:07:44

8 Q. And that was generally possible? 14:07:45

9 MR. SPIRO: Conjecture. 14:07:46

10 MR. L. WOOD: I'm sorry. I didn't mean 14:07:46

11 to say something funny, but if you want to laugh. 14:07:51

12 I mean, look, you're the one telling me 14:07:51

13 you tried to get it to him within 24 hours -- 14:07:53

14 THE WITNESS: Yeah. 14:07:55

15 MR. L. WOOD: -- if possible. The fact 14:07:55

16 is you wanted to get it to him as soon as 14:07:56

17 possible -- 14:07:58

18 THE WITNESS: Um-hmm. 14:07:58

19 MR. L. WOOD: -- and usually you were 14:07:58

20 able to get in touch with him pretty quickly after 14:07:59

21 you had gotten information to tell him what you 14:08:03

22 were learning, true? 14:08:06

23 MR. SPIRO: Objection; form. 14:08:07

24 THE WITNESS: So I would in some cases 14:08:12

25 either request a conversation, or send, you know, a 14:08:13

1	A.	I do see it, yes.	14:12:51
2	Q.	"He has been a frequent visitor to	14:12:53
3		Thailand since the 1980s. Prior to meeting his	14:12:55
4		current wife, we believe that Mr. Unsworth was	14:13:00
5		living in the Pattaya Beach, which is a well-known	14:13:04
6		tourist destination.	14:13:09
7		"Pattaya Beach is synonymous with	14:13:11
8		prostitution and scam artists. We are in the	14:13:15
9		process of verifying this information, which was	14:13:16
10		mentioned to the lead investigator by	14:13:20
11		Mr. Unsworth's mother-in-law."	14:13:22
12		Have I read that correctly?	14:13:22
13	A.	Yes.	14:13:25
14	Q.	And now he's referencing Pattaya Beach.	14:13:26
15		And then under "Thailand" on the next Bates, 0043,	14:13:27
16		he tells you and Mr. Musk, at least in his report	14:13:33
17		to you and Mr. Musk, "If this is the case that	14:13:38
18		Mr. Unsworth chose to live in Pattaya Beach before	14:13:45
19		moving to northern Thailand, then it would be a	14:13:48
20		strong indicator as to his lifestyle interest."	14:13:52
21		Have I read that correctly?	14:13:55
22	A.	Yes.	14:13:57
23	Q.	Proceeding forward. "If we can establish	14:13:59
24		that Mr. Unsworth was a regular visitor to this	14:14:02
25		part of Thailand, which is not known for its	14:14:06

1 extensive cave networks, then this is something 14:14:08
2 that may support the assumption that he is a 'sex 14:14:11
3 pat.'" 14:14:13
4 Have I read that correctly? 14:14:13
5 A. Yes. 14:14:18
6 Q. At least on the 30th of August, it was 14:14:19
7 clear from this report, Exhibit 68, that he had 14:14:24
8 not, in fact, confirmed that Mr. Unsworth had ever 14:14:31
9 lived at Pattaya Beach. He says "We believe it, 14:14:35
10 but we are in the process of verifying it," and 14:14:39
11 then in the second reference I read to you, both 14:14:41
12 times it starts with "If this is the case," or "If 14:14:43
13 we can establish," true? 14:14:45
14 A. Those are his words. 14:14:48
15 Q. And he has not stated as a matter of fact 14:14:50
16 that Vernon Unsworth ever lived in Pattaya Beach? 14:14:53
17 A. True, but it's important to note that 14:14:57
18 there are numerous phone calls between each of 14:14:58
19 these correspondence where he is much more 14:15:01
20 affirmative in his beliefs of her age and of 14:15:04
21 Unsworth's activities and of his time spent in 14:15:10
22 Pattaya Beach. 14:15:14
23 And I don't know if this is because 14:15:14
24 him -- he needs to filter this through his, you 14:15:16
25 know, supervisor or whatever. It is a more 14:15:19

1 conservative version of what he was sharing 14:15:23
2 verbally. 14:15:28
3 And he was much more aggressive in his -- 14:15:28
4 in the verbal communication that we had with him. 14:15:32
5 Q. Now -- 14:15:34
6 A. But yes, the words that you -- those are 14:15:34
7 his words; the ones that you've confirmed. 14:15:38
8 Q. Now, just reminding what you know; that 14:15:41
9 you're under oath. 14:15:42
10 A. Yes. 14:15:42
11 Q. Did you discuss any part of your 14:15:42
12 testimony with Mr. Spiro or counsel during the 14:15:44
13 recess? 14:15:48
14 A. Did I discuss any part of my testimony 14:15:50
15 that we had -- 14:15:52
16 Q. Any part of your testimony. Did you 14:15:54
17 discuss it during the lunch break? 14:15:56
18 A. Yes. 14:15:59
19 Q. Did you discuss the very issue that you 14:16:00
20 just testified to about phone calls being more 14:16:01
21 aggressive? 14:16:05
22 A. We did not -- 14:16:05
23 Q. Did you discuss it with Mr. Spiro during 14:16:05
24 the break? 14:16:10
25 MR. SPIRO: He's trying to -- 14:16:10

1 know that? 14:16:35

2 A. No. 14:16:38

3 Q. Mr. Spiro knows that. I want to know 14:16:38

4 whether you discussed during the lunch break with 14:16:42

5 Mr. Spiro or any other break during today's 14:16:45

6 testimony, this idea that Mr. Howard was more 14:16:49

7 aggressive in the telephone calls than he was in 14:16:54

8 the letters. 14:16:57

9 A. No. That is not something that was 14:16:58

10 discussed. 14:16:59

11 Q. You deny that under oath? 14:17:00

12 A. Yes. 14:17:01

13 Q. Can you -- I think I know the answer to 14:17:07

14 this but I'm going to ask it. 14:17:13

15 Did you have a telephone conversation 14:17:14

16 with Mr. Howard on August the 30th? 14:17:16

17 A. I mean, I don't remember off the top of 14:17:25

18 my head, but it's certainly possible. 14:17:27

19 Q. Can you give -- this is where I think I 14:17:33

20 know the answer. 14:17:34

21 Can you give me any details specific to 14:17:35

22 time and conversation by phone on any conversation 14:17:38

23 you claim to have had with Mr. Howard? In other 14:17:43

24 words, can you say "Mr. Wood, on August 29th, I 14:17:47

25 remember speaking to him on the phone and this is 14:17:50

1 what he told me?" 14:17:52

2 Can you do that on any telephone 14:17:54

3 conversation you claim to have had with Mr. Howard? 14:17:57

4 A. Not off the top of my head. 14:18:00

5 Q. So the only thing that we have to 14:18:07

6 document information with certainty that you 14:18:08

7 received from Mr. Howard is what he put in writing 14:18:12

8 to you, true? 14:18:17

9 MR. SPIRO: Objection as to form. 14:18:18

10 THE WITNESS: Yeah, as far as certainty 14:18:19

11 goes, of course, yes. I mean, we don't have the 14:18:23

12 verbiage that was shared on the phone conversation. 14:18:27

13 BY MR. L. WOOD: 14:18:30

14 Q. Right. But while you may speculate as to 14:18:30

15 why he may give you information different on the 14:18:33

16 phone you say, or more aggressive on the phone than 14:18:36

17 he did in his written words -- 14:18:39

18 A. Um-hmm. 14:18:41

19 Q. -- you don't have any idea why he would 14:18:41

20 have done that, do you? 14:18:44

21 A. I -- I have an opinion. 14:18:51

22 Q. But factual knowledge is what we are 14:18:52

23 asking from you, sir. 14:18:56

24 A. Factual -- 14:18:57

25 MR. SPIRO: Objection to that. 14:18:58

1 THE WITNESS: No. 14:18:59
2 BY MR. L. WOOD: 14:18:59
3 Q. Wouldn't you -- don't you generally 14:18:59
4 consider in your business dealings that the written 14:19:02
5 record is the highest and best evidence as opposed 14:19:04
6 to someone's vague recollection of a conversation? 14:19:07
7 MR. SPIRO: Objection. 14:19:11
8 THE WITNESS: Sure, but there is such 14:19:12
9 thing as a verbal contract. 14:19:13
10 BY MR. L. WOOD: 14:19:14
11 Q. I know there is such thing as a verbal 14:19:14
12 contract, but if you really want to know down the 14:19:16
13 road what was the best and highest evidence, 14:19:17
14 wouldn't you agree that if you've got the written 14:19:18
15 word in front you and the only thing you compare 14:19:21
16 that to is someone saying "Well, we discussed it by 14:19:24
17 phone, but I can't remember when, and I can't 14:19:27
18 really remember what we said," the written word is 14:19:29
19 the highest and best evidence, wouldn't you agree 14:19:32
20 with that? 14:19:35
21 MR. SPIRO: Objection; form. 14:19:36
22 BY MR. L. WOOD: 14:19:36
23 Q. From your business experience? 14:19:36
24 A. It's more specific. 14:19:36
25 Q. It's more concrete in terms of proof of 14:19:38

1 what was said, isn't it, sir? 14:19:40

2 A. Sure. 14:19:43

3 Q. And is there any reason -- did you 14:19:44

4 instruct Mr. Howard to not put the most damning 14:19:46

5 information in his written emails or reports? 14:19:52

6 A. I didn't instruct anything -- to what he 14:19:55

7 would put in his reports. 14:19:57

8 Q. But he told you himself that he was 14:19:58

9 trying to, and intended in his reports to give 14:20:00

10 you-all of the information that he had collected to 14:20:02

11 date, true? 14:20:05

12 A. Yep. Yes. 14:20:07

13 Q. Now, do you have any email or report -- 14:20:11

14 and when I say report, I'm talking more like 14:20:16

15 Exhibit 68 -- that makes reference to Mr. Unsworth 14:20:21

16 and Pattaya Beach, other than the references we 14:20:25

17 just went over in Exhibit 68? 14:20:31

18 A. Other than this report that he provided? 14:20:40

19 Q. Yes, sir. Do you have an -- other than 14:20:42

20 the information about the Pattaya Beach that we 14:20:46

21 just went over in Exhibit 68, do you have any 14:20:48

22 written email or report, preliminary or otherwise, 14:20:54

23 from Mr. Howard prior to September 1 where he makes 14:20:59

24 any reference to Pattaya Beach? 14:21:09

25 A. Not that I am aware of off the top of my 14:21:13

1 head. 14:21:15

2 Q. Given that Mr. Musk very specifically 14:21:16

3 said in the email to Mr. Mac -- what number is 14:21:18

4 that? -- Exhibit 23. 14:21:22

5 A. I don't know that I have 23, but... 14:21:41

6 Q. 44. 14:21:42

7 A. Oh, I've got 44. 14:21:43

8 Q. Bates 02706. 14:21:43

9 A. 02706. Yes -- 14:21:56

10 Q. The page after that. 14:21:56

11 A. Yep. I'm looking at it. 14:21:56

12 Q. Mr. Musk wrote, "He's an old single white 14:21:57

13 guy from England who's been traveling to or living 14:22:01

14 in Thailand for 30 to 40 years, mostly Pattaya 14:22:03

15 Beach, until moving to Chiang Rai for a child bride 14:22:07

16 who was about 12 years old at the time." 14:22:13

17 Have I read that correctly? 14:22:15

18 A. Yes. 14:22:17

19 Q. Given that Mr. Musk is writing 14:22:18

20 specifically about Pattaya Beach, does that, in 14:22:21

21 fact, lead you to believe that you had discussed 14:22:25

22 with Mr. Musk prior to his email to Mr. Mac the 14:22:29

23 information you had received earlier that day on 14:22:35

24 August the 30th from Mr. Howard as set forth in 14:22:38

25 Exhibit 68? 14:22:43

1 A. I believe what that shows is that we had 14:22:45
2 definitely discussed Howard's efforts in Pattaya 14:22:48
3 Beach, and that had been ongoing prior to this for 14:22:56
4 some time. I can't tell exactly how much time, but 14:23:02
5 the Pattaya Beach subject had been discussed for at 14:23:09
6 least days. 14:23:17

7 Q. And what did he tell you about Pattaya 14:23:22
8 Beach? Because on the 30th, he's telling you he 14:23:24
9 doesn't know, isn't he? If. If. We believe, but 14:23:25
10 we need to verify. 14:23:29

11 When did he tell you prior to the 30th 14:23:30
12 that he knew as a matter of fact that Mr. Unsworth 14:23:33
13 had been traveling to or living in Thailand for 30 14:23:39
14 to 40 years, and mostly Pattaya Beach? 14:23:42

15 A. He actually told us that he had contacts 14:23:46
16 in the British Embassy that had copies of travel 14:23:50
17 records for Unsworth having frequented those 14:23:56
18 hotels, and he provided some periods of time when 14:24:00
19 he had done that and over a number of years that 14:24:02
20 that had happened. 14:24:04

21 Q. That was after September 1? 14:24:06

22 MR. SPIRO: Objection. Is that a 14:24:12
23 question? 14:24:12

24 BY MR. L. WOOD: 14:24:12

25 Q. Do you know when he provided you with the 14:24:12

1 hotels -- I remember the picture with this pole. 14:24:13
2 Do you remember that one? 14:24:15
3 A. I do. 14:24:15
4 Q. When did you get that? 14:24:16
5 A. I'm not sure of the date on that. 14:24:17
6 Q. How did you get it? By email or text? 14:24:19
7 A. Likely -- let's see, that would have 14:24:22
8 been -- actually, I think he probably sent that via 14:24:22
9 an email. 14:24:32
10 Q. What date? 14:24:33
11 A. We can obviously look and -- 14:24:35
12 Q. Maybe this will help if you look at 14:24:38
13 exhibit -- your text -- numbers -- text messages, 14:24:41
14 Exhibit 67. 14:24:47
15 A. I'm looking at it. 14:24:50
16 Q. Take a look at Bates number -- 14:24:53
17 A. Yep. I see it. 14:24:59
18 Q. You see it? 14:25:00
19 A. Yep. 14:25:00
20 Q. Bates No. 0211? 14:25:00
21 A. Yes. 14:25:03
22 Q. Talking about on 0210 about the hotels, 14:25:05
23 the investigators, we -- he says -- on looking at 14:25:11
24 the top he's telling you on September the 3, "We 14:25:14
25 have deployed times three investigators to Pattaya. 14:25:16

1 And I still believe there's a value in the UK 14:25:20
2 surveillance." 14:25:25
3 A. I see that. 14:25:26
4 Q. "Pattaya will take some time; probably 14:25:28
5 seven days." He goes on to then start talking 14:25:31
6 about "Can you confirm the hotel names in Pattaya." 14:25:35
7 Then he talks about the Penthouse Hotel, the 14:25:39
8 Dusit Thani or something. Thani. Penthouse Hotel 14:25:40
9 is purely designed for sex." And then on the next 14:25:45
10 page sends you the picture, the room with the pole? 14:25:51
11 A. I see that. 14:25:55
12 Q. All of which -- excuse me, none of which 14:25:57
13 he had verified as being someplace that 14:26:00
14 Mr. Unsworth had been to, but only telling you that 14:26:03
15 he was investigating whether Mr. Unsworth had been 14:26:07
16 there, true? 14:26:10
17 A. I believe that's true. I mean, I don't 14:26:13
18 think he had an actual, like, hotel record of his 14:26:15
19 stay. 14:26:19
20 Q. Right. And he didn't give you that 14:26:20
21 information until September 4, four days or so 14:26:21
22 after Mr. Musk made a statement of fact to Mr. Mac 14:26:27
23 that said that Mr. Unsworth had been traveling to 14:26:33
24 or living in Thailand for 30 to 40 years, mostly 14:26:37
25 Pattaya Beach? 14:26:42

1 MR. SPIRO: Just a moment. It's not 14:26:50
2 clear on here. 14:26:50
3 Objection as to form; confusing. 14:26:50
4 MR. L. WOOD: It's noted. 14:26:50
5 MR. SPIRO: Yeah. 14:26:50
6 BY MR. L. WOOD: 14:27:05
7 Q. Answer my question, please, sir. 14:27:06
8 A. Would you ask it again, please. 14:27:07
9 Q. Sure. 14:27:08
10 MR. SPIRO: You can read it to him. 14:27:08
11 BY MR. L. WOOD: 14:27:08
12 Q. He did not give you any information 14:27:09
13 about -- well, the information that you say he gave 14:27:10
14 to you about going to Penthouse Hotels or whatever. 14:27:15
15 Let's see what you told me. 14:27:20
16 He told you he had contacts in the 14:27:20
17 British Embassy that had couples of travel records 14:27:27
18 for Mr. Unsworth having frequented those hotels. 14:27:30
19 He provided some period of time he had done that 14:27:34
20 and over a number of years that had happened. 14:27:36
21 And I said that was after September 1. 14:27:39
22 And it was. It was on September the 4th, right? 14:27:42
23 A. Yes. 14:27:48
24 Q. That was four or five days after Mr. Musk 14:27:49
25 wrote as a statement of fact to Mr. Mac that 14:27:56

1 Mr. Unsworth had been traveling to or living in 14:27:59
2 Thailand for 30 to 40 years, mostly Pattaya Beach, 14:28:02
3 right? 14:28:05
4 MR. SPIRO: Objection to form. 14:28:06
5 THE WITNESS: Yeah, I believe that he 14:28:07
6 wrote what he believed to be the -- the facts that 14:28:09
7 he understood at that point from Investigator 14:28:14
8 Howard. 14:28:17
9 BY MR. L. WOOD: 14:28:17
10 Q. And the facts -- you're talking about 14:28:17
11 Mr. Musk? 14:28:19
12 A. Yes. 14:28:20
13 Q. But the facts that he would have 14:28:20
14 understood would have only been conveyed by you to 14:28:23
15 Mr. Musk, right? 14:28:26
16 A. Yes. 14:28:28
17 Q. And the Pattaya Beach reference and the 14:28:29
18 30 to 40 years reference is found in the 14:28:31
19 preliminary report, Exhibit 68. 14:28:35
20 A. It is found there, but that wouldn't have 14:28:40
21 been the first mention of it. 14:28:41
22 Q. And I asked you again, because I've 14:28:44
23 looked. You gave me -- I trust you've given me all 14:28:46
24 of the emails between you and Mr. Howard, either in 14:28:49
25 your name or Jim Brickhouse's name, or any other 14:28:51

1 fake name that you came up with. I've got them 14:28:55
2 all, right? 14:28:58
3 A. Yes. 14:28:59
4 Q. You can point me to any -- any reference 14:28:59
5 to Pattaya Beach in all of your communications in 14:29:04
6 writing with Mr. Howard prior to the preliminary 14:29:08
7 report that he sent on August the 30th? 14:29:12
8 A. Not in writing, no. 14:29:16
9 Q. And when it was in writing on September 14:29:17
10 the 30 -- on August the 30th, it was not verified, 14:29:24
11 and it was qualified by "if" it turns out to be the 14:29:28
12 case, true? 14:29:33
13 MR. SPIRO: Objection as to form. 14:29:34
14 BY MR. L. WOOD: 14:29:38
15 Q. You want me to read it again? 14:29:38
16 A. He did state that they were in the 14:29:40
17 process of verifying that. 14:29:41
18 Q. Did you tell Mr. Musk that we've got him 14:29:42
19 working on verifying Pattaya Beach? 14:29:45
20 A. I'm sure at some point that information 14:29:47
21 was shared. I mean, I didn't use those words, but 14:29:49
22 I'm sure the discussion about Pattaya Beach was had 14:29:51
23 at some point. I'm also sure that wasn't the first 14:29:54
24 revelation about Pattaya Beach. 14:29:59
25 Q. But any revelation that you claim 14:30:00

1 occurred about Pattaya Beach, you will tell me had 14:30:03
2 to be by telephone, because there is it no 14:30:06
3 document -- 14:30:07
4 A. Absolutely. 14:30:07
5 Q. -- that ever mentions Pattaya Beach until 14:30:07
6 August the 30th, true? 14:30:12
7 A. That's true. 14:30:12
8 Q. Can you even give me the date on which 14:30:15
9 you say you had a conversation about Pattaya Beach 14:30:17
10 prior to August the 30th? 14:30:19
11 A. Not with certainty I can't give you that 14:30:24
12 date. 14:30:26
13 Q. Can you give me -- 14:30:26
14 A. But I can certainly tell it was prior to 14:30:26
15 that date. 14:30:29
16 Q. But what was the Pattaya Beach 14:30:30
17 information? Was it that we were looking into it 14:30:33
18 like he said on the 30th, or are you telling me 14:30:36
19 that prior to the 30th he told you unequivocally he 14:30:39
20 lived most of the time in Pattaya Beach. Which one 14:30:45
21 is it? 14:30:47
22 MR. SPIRO: Objection as to form. He 14:30:48
23 never said "we are looking into it." That's not -- 14:30:48
24 you're misstating this. 14:30:51
25 MR. L. WOOD: Your form objection is 14:30:53

1 noted. 14:30:54
2 BY MR. L. WOOD: 14:30:54
3 Q. Answer my question. 14:30:54
4 A. Can you please restate the question. 14:30:55
5 Q. Sure. You say that he gave you 14:31:11
6 information about Pattaya Beach prior to the email 14:31:13
7 preliminary report on August the 30th, right? 14:31:18
8 Right? 14:31:19
9 A. Yes. 14:31:20
10 Q. You tell me that you are certain of that, 14:31:20
11 but you can't -- well, you're telling me you can't 14:31:23
12 give me the date of when he told that you in a 14:31:26
13 telephone conversation, right? 14:31:29
14 A. Not with certainty, no. 14:31:30
15 Q. But you know that it occurred, you say, 14:31:32
16 in a telephone conversation, right? 14:31:34
17 A. Yes. 14:31:38
18 Q. You acknowledge that there is no written 14:31:38
19 reference in any of his emails or reports, prior to 14:31:40
20 the August 30th preliminary report that references 14:31:43
21 Pattaya Beach, true? 14:31:47
22 A. That's right. 14:31:49
23 Q. What I'm trying to find out now is when 14:31:50
24 he told you in the preliminary report his belief -- 14:31:53
25 again, we just went over it; 0442. "He has been a 14:32:00

1 frequent visitor to Thailand since the 1980s." 14:32:40

2 You think that's where Mr. Musk -- that 14:32:44

3 you reported that to him, and that's where he got 14:32:45

4 the reference in his email to Mr. Mac that he's an 14:32:49

5 old single white guy from England who's been 14:32:53

6 traveling to or living in Thailand 30 to 40 years? 14:32:56

7 A. I just know that that information -- he 14:33:00

8 wouldn't have come up with that on his own. I'm 14:33:02

9 sure derived from information shared from 14:33:05

10 Mr. Howard, whether -- much of this information had 14:33:08

11 been discussed prior, and was an effort to organize 14:33:13

12 his -- 14:33:16

13 Q. His information? 14:33:17

14 A. Yeah. 14:33:17

15 Q. Well, here it is. That's what I want to 14:33:18

16 talk to you about. He says again, "Prior to 14:33:20

17 meeting his current wife." We're talking about 14:33:27

18 Tik, right? 14:33:29

19 A. Yes. 14:33:30

20 Q. "We believe that Mr. Unsworth was living 14:33:31

21 in the Pattaya Beach." 14:33:35

22 Have I read that correctly? 14:33:36

23 A. I'm sorry. Which page are you on? 14:33:40

24 Q. 442 Bates. 14:33:42

25 A. Yes, I see that. 14:33:46

1 Q. And then he says -- he talks about 14:33:47
2 Pattaya Beach, and he says "We are in the process 14:33:49
3 of verifying this information, which was mentioned 14:33:51
4 to the lead investigator by Mr. Unsworth's 14:33:56
5 mother-in-law," right? 14:33:59
6 A. Yes. 14:34:03
7 Q. So he's telling you there that he has not 14:34:03
8 verified it yet, right? 14:34:05
9 A. Yes, though he says "we believe" in the 14:34:09
10 prior statement. I mean, he -- 14:34:11
11 Q. You can believe anything, but you've got 14:34:12
12 to go verify. You would not publish as a fact 14:34:13
13 someone's belief, would you? 14:34:16
14 MR. SPIRO: Objection. 14:34:18
15 BY MR. L. WOOD: 14:34:18
16 Q. That's not what Elon Musk did. He didn't 14:34:18
17 say "I believe he's been living there in -- mostly 14:34:21
18 in Pattaya Beach." He stated it as a fact, didn't 14:34:25
19 he? 14:34:28
20 MR. SPIRO: Objection to form. Move to 14:34:29
21 strike. 14:34:30
22 THE WITNESS: He also didn't publish it. 14:34:31
23 It was an off-the-record comment. 14:34:32
24 BY MR. L. WOOD: 14:34:34
25 Q. We're going to get into that in a little 14:34:34

1 bit. I know you were ready to say that to me. 14:34:35

2 But trust me, we're going to cover that 14:34:39

3 before this seven hours is up, but that's not what 14:34:39

4 I'm asking you about right now. 14:34:41

5 A. Okay. 14:34:43

6 Q. But going back to the preliminary report, 14:34:45

7 he again says at 443 -- 14:34:47

8 A. Yep. 14:34:54

9 Q. "If this is the case that Mr. Unsworth 14:34:54

10 chose to live in Pattaya Beach. If we can 14:35:00

11 establish that Mr. Unsworth was a regular visitor 14:35:05

12 to this part of Thailand." 14:35:10

13 Are you reading with me? 14:35:11

14 A. I am. 14:35:13

15 Q. So it's clear, at least from the report 14:35:13

16 portions that we've read, that there had been no 14:35:16

17 confirmation as a matter of fact that Mr. Unsworth 14:35:19

18 lived in Pattaya Beach. 14:35:22

19 Would you agree with that? 14:35:23

20 A. Based on this paragraph by itself, 14:35:25

21 it's -- you know, it definitely questions the 14:35:27

22 veracity of that. Though his -- the conversations 14:35:31

23 you had with him much more affirmative. Much more. 14:35:36

24 Q. They were -- it sounds like they were in 14:35:40

25 conflict with each other on several key points. 14:35:42

1 Wouldn't you agree? 14:35:45

2 A. Conflict, I don't -- I wouldn't agree 14:35:46

3 with. They conflicted, but I would -- I would 14:35:49

4 agree that in some cases he verbally was much 14:35:51

5 more -- I don't know if the word's "aggressive" or 14:35:57

6 much more sure of certain things that he was 14:36:04

7 bringing to us than what the wording would 14:36:08

8 entail -- or would show. 14:36:11

9 Q. It was inconsistent. Are you telling me 14:36:13

10 that prior to August the 30th, that Mr. Howard had 14:36:16

11 stated to you unequivocally, "We know that Vernon 14:36:19

12 Unsworth lived in Pattaya Beach most of the time 14:36:23

13 that he visited Thailand." 14:36:27

14 A. Yes. 14:36:28

15 Q. Did he tell you that? 14:36:28

16 A. Not unequivocally, no. 14:36:31

17 Q. No. It was always that they were looking 14:36:32

18 into it. They believed it, but they had not 14:36:34

19 verified it, true? 14:36:34

20 A. Sure. 14:36:35

21 Q. It wasn't a factual statement before 14:36:36

22 August the 30th or on August the 30th, that yes, he 14:36:38

23 lived there. It was "We believe he did, but we're 14:36:41

24 going to try to verify it, and if he did, we can 14:36:44

25 maybe argue such and such," right? 14:36:47

1 A. I believe so, yes. 14:36:49
2 Q. Isn't that the truth, sir? 14:36:49
3 A. I believe so, yes. 14:36:51
4 Q. That's the truth, isn't it? 14:36:51
5 A. I believe so. 14:36:54
6 Q. He was never inconsistent about Pattaya
7 Beach prior to the 30th? 14:36:56
8 A. To say he was never consistent is not 14:36:58
9 true. 14:37:00
10 Q. To say what? 14:37:01
11 A. That he was inconsistent about -- that he 14:37:02
12 was not inconsistent about his portrayal of 14:37:04
13 Unsworth's activity in Pattaya Beach and other 14:37:06
14 activities -- there were inconsistencies. 14:37:13
15 Q. I'm not asking you about other 14:37:15
16 activities. I'm asking about Pattaya Beach. 14:37:17
17 A. Yeah. There were inconsistencies. 14:37:18
18 Q. But you've told me just within the last 14:37:20
19 four questions -- we can read it back if we need 14:37:21
20 to -- that he had never affirmatively stated to you 14:37:24
21 on a phone call or in writing that he had 14:37:27
22 demonstrated as a fact that Vernon Unsworth lived 14:37:31
23 in Pattaya Beach. 14:37:34
24 A. That's right -- 14:37:35
25 Q. Is that true, sir? 14:37:35

1 Q. I don't care it's Excession -- 14:41:40

2 A. There's a difference between -- 14:41:42

3 Q. -- or SpaceX 6000 or -- 14:41:42

4 A. Or a public company as Tesla. SpaceX is 14:41:44

5 a completely -- it a 6,000-person organization with 14:41:44

6 a dedicated IT team that monitors email. It's a 14:41:47

7 very big difference between Excession. 14:41:50

8 Q. You and Mr. Musk made a conscious 14:41:53

9 decision and agreement: Do not report anything 14:41:55

10 about Mr. Howard to me in writing, true? 14:41:58

11 A. There was no agreement made on that. I 14:42:02

12 was using my best judgment and chose to not send 14:42:05

13 anything. 14:42:09

14 Q. So did Elon just happen to say "Okay, I'm 14:42:09

15 not going to send you anything in writing"? 14:42:11

16 Because he didn't write you about it. 14:42:13

17 A. I think it was just a -- a general 14:42:17

18 understanding that that was the best practice in 14:42:18

19 this case. 14:42:20

20 Q. An unspoken agreement as to the best 14:42:20

21 practice. The best practice being, don't put 14:42:23

22 anything in writing about Howard's information, 14:42:27

23 true? 14:42:29

24 A. I mean, if you want to call it an 14:42:30

25 agreement -- 14:42:32

1 BY MR. L. WOOD: 14:48:11

2 Q. I think we're on the same page, here, 14:48:11

3 Mr. Birchall. 14:48:12

4 A. Okay. 14:48:14

5 Q. I am trying to find out, because you knew 14:48:16

6 that you had to give Mr. Musk accurate information. 14:48:19

7 There was no room for error. There can't be 14:48:22

8 anything lost in the translation between you, 14:48:25

9 Howard, and Mr. Musk. 14:48:27

10 As the intermediary, you had to give him 14:48:28

11 correct information, true? 14:48:32

12 A. As much as possible, yes. 14:48:34

13 Q. And so you say "I may have told him they 14:48:36

14 believe he lived in Pattaya Beach"? 14:48:39

15 A. Those were their words, yes. 14:48:40

16 Q. But you didn't tell him they had have 14:48:42

17 established that he lived in Pattaya Beach. 14:48:44

18 You never told him anything like that, 14:48:45

19 did you? 14:48:48

20 A. No, I wouldn't have said that they had 14:48:49

21 proof of that. I would have said they believed 14:48:53

22 that. 14:48:54

23 Q. You would have said they told you they 14:48:54

24 did not; that they were trying to get it, true? 14:48:56

25 A. That they believed that he lived there. 14:48:58

1 MR. SPIRO: You're giving a summation. 15:25:23
2 What is the question? 15:25:25
3 MR. L. WOOD: When I get through with my 15:25:27
4 summation, object to the form. Laughing is rude. 15:25:29
5 I'm about to get to the point. 15:25:30
6 MR. SPIRO: It's not a laugh. 15:25:32
7 MR. L. WOOD: Well, whatever you're 15:25:33
8 doing. I don't care. Go ahead and do it. Listen, 15:25:33
9 here is my question. I'm here to -- I want to get 15:25:33
10 through. 15:25:36
11 MR. SPIRO: I know. 15:25:36
12 MR. L. WOOD: We may not. 15:25:36
13 BY MR. L. WOOD: 15:25:38
14 Q. I want to know, sir, what information? 15:25:38
15 You've told me about Tik. You've told me about 15:25:40
16 Pattaya Beach. 15:25:45
17 Any other information that you were 15:25:46
18 provided that established factually that 15:25:49
19 Vernon Unsworth "had engaged in a period of 15:25:54
20 exploring the world of underaged Thai girls." Yes 15:25:58
21 or no? 15:26:01
22 A. Again, you are saying established 15:26:02
23 factually. What I'm telling you is that he shared 15:26:05
24 a lot of information, including travel habits to 15:26:07
25 and from Thailand, having left his family in the 15:26:10

1 UK. He shared -- 15:26:13

2 Q. I am asking about underaged girls. Stay 15:26:15

3 on point so we can get done. 15:26:19

4 A. That's part of the story. When you leave 15:26:20

5 your family, you're more likely to go and do 15:26:21

6 nefarious things. When you're visiting a remote 15:26:23

7 area of a third-world country -- that's just part 15:26:28

8 of the story that was told to us. 15:26:30

9 Q. Are you telling me that if you leave your 15:26:31

10 family and go to Thailand, that means you are 15:26:33

11 engaged in dealing with underaged girls? 15:26:38

12 A. No. I wouldn't say that. 15:26:42

13 Q. I wouldn't think you were telling me 15:26:42

14 that. 15:26:43

15 A. No. That information alone doesn't say 15:26:44

16 that -- 15:26:47

17 Q. No. 15:26:47

18 A. -- but that's part of what goes into -- 15:26:47

19 Q. That would be rank speculation, wouldn't 15:26:50

20 it? 15:26:51

21 A. That was part of the information shared 15:26:52

22 with us, that -- 15:26:55

23 Q. That would be rank speculation to say 15:26:55

24 that because he left his home and went to -- 15:26:56

25 A. Yeah -- 15:26:58

1 Q. -- Thailand he was involved with underage 15:26:58
2 girls. 15:27:01
3 A. In and of itself, yes. 15:27:01
4 Q. Do you understand there is a difference 15:27:05
5 between Pattaya being by reputation, a place for 15:27:09
6 prostitution, and Pattaya Beach being a place of 15:27:13
7 child prostitution? 15:27:20
8 MR. SPIRO: What was the question? 15:27:28
9 BY MR. L. WOOD: 15:27:29
10 Q. Do you understand the difference between 15:27:29
11 prostitution and child prostitution? 15:27:31
12 A. I understand there is a difference. 15:27:35
13 Q. It is a big difference, isn't it? 15:27:36
14 A. There is a big difference. 15:27:37
15 Q. Yes, sir. You're talking here about 15:27:39
16 underaged Thai girls. You're talking about girls 15:27:44
17 under the age of 15, right? 15:27:46
18 A. Yes. 15:27:50
19 Q. 18 and 19 is not an underage Thai girl, 15:27:51
20 right? 15:27:54
21 A. Correct. 15:27:54
22 Q. Look what he had written to you after he 15:27:56
23 gave you Tik's name. As of August 24, 2018, he 15:28:00
24 told you "The target," that's Vernon Unsworth, 15:28:10
25 right? 15:28:12

1 A. Right. 15:28:12
2 Q. And War Noon, which is Tik, right? 15:28:12
3 A. Yes. 15:28:17
4 Q. In effect he said that the target, Vernon 15:28:20
5 and Tik -- read the next part for me. 15:28:24
6 A. "Have been married for seven years." 15:28:30
7 Q. That would have put them getting married 15:28:32
8 in 2011, right? 15:28:35
9 A. Yes, based on the date. 15:28:38
10 Q. And then read for me what he told you 15:28:39
11 that related to Tik's age. 15:28:43
12 A. 28-year gap between them both. 15:28:46
13 Q. Mr. Unsworth was 63, I believe he was 15:28:50
14 telling you, right? 15:28:53
15 A. Yeah. 15:28:56
16 Q. So what is he telling you in that 15:28:57
17 statement on August 24 about Tik's age, when he 15:29:00
18 said 28-years' gap between them both? 15:29:04
19 A. In that statement you would -- assuming 15:29:12
20 that Unsworth's age is 63, you would assume a 15:29:15
21 mid-30s age. 15:29:18
22 Q. 35 if he was 63? 15:29:20
23 A. Correct. 15:29:23
24 Q. So he had told you on the 24th that the 15:29:25
25 age differential was 28 years, and that Tik was 35, 15:29:27

1 I mean, that's what they said. 14:48:58

2 Q. And that they were trying to prove it? 14:48:58

3 A. Correct. 14:49:00

4 Q. As to whether it was true or not? 14:49:01

5 A. Yes. 14:49:02

6 Q. And you would have told that to Mr. Musk. 14:49:03

7 You would not have led him to believe they had 14:49:04

8 proven it as a fact when you knew that they were 14:49:08

9 still trying to prove it, true? 14:49:11

10 A. Yeah, I mean, it comes down to an issue 14:49:13

11 of semantics, but I would have communicated that 14:49:16

12 they believed that it was -- that it was a -- a 14:49:19

13 legitimate thing. That's what they believed. And 14:49:20

14 they were -- yes, they were working on proving it. 14:49:26

15 Q. And they were trying to prove it? 14:49:28

16 A. Yes. They had a team there working to 14:49:30

17 prove it out -- 14:49:31

18 Q. That's -- 14:49:31

19 A. But they believed that -- 14:49:31

20 Q. That's all I wanted to establish. You 14:49:31

21 told Mr. Musk they believed he was in Pattaya 14:49:33

22 Beach? 14:49:35

23 A. Yeah. 14:49:36

24 Q. Pattaya Beach is not a good place? 14:49:36

25 A. Yeah. 14:49:38

1 and they met -- they married seven years earlier, 15:29:31
2 which would have told you that Tik and Vernon got 15:29:35
3 married when Tik was 28, true? 15:29:39
4 A. True. But you're pulling one time that 15:29:43
5 you said this out of -- 15:29:45
6 Q. Oh, I'm going to go through all of them. 15:29:47
7 Don't you worry about that. 15:29:50
8 A. You don't know about all the phone 15:29:50
9 conversations. 15:29:52
10 Q. Oh, I know by design, I don't, but I 15:29:53
11 think I've got a pretty good idea. 15:29:54
12 A. How could it be by design? 15:29:55
13 Q. Because you intentionally didn't put it 15:29:58
14 in writing. 15:29:59
15 A. Well, I mean -- 15:30:00
16 Q. So you want me to come in here -- do you 15:30:00
17 want us to believe -- 15:30:01
18 A. You put all your conversations in 15:30:02
19 writing? 15:30:04
20 Q. On a -- yes. On a matter like this, 15:30:04
21 absolutely. 15:30:06
22 A. Well, I -- 15:30:06
23 Q. And if you didn't put it in writing as my 15:30:06
24 employee, I'd fire you. Because it's too critical 15:30:09
25 of information to come back a year and some months 15:30:10

1 later and claim you don't remember what was said. 15:30:14

2 A. Yeah, I've never put phone conversations 15:30:17

3 in writing. 15:30:19

4 Q. Because you can't document it. 15:30:20

5 A. Never put -- 15:30:21

6 Q. I think others will understand. 15:30:21

7 Nonetheless, maybe I'm missing the point, but I 15:30:24

8 don't think so. 15:30:26

9 Let's go over -- the bottom line is you 15:30:26

10 had information from him on the 24th to suggest 15:30:27

11 that she was 35, and they got married when she was 15:30:29

12 28, right? 15:30:33

13 A. I do see that, yes. 15:30:35

14 Q. Right. Now, on the next email exchange 15:30:37

15 you write -- because you've asked him the question, 15:30:41

16 "Can we get a firm confirmation when they met -- 15:30:56

17 that they met while she was a minor?" 15:30:58

18 You see the question? 15:31:00

19 A. Looking for that. Yes, I see that. 15:31:07

20 Q. And then he writes back "Jim, I will 15:31:10

21 inquire and confirm. We are working a number of 15:31:13

22 different inquiries, and I will have more 15:31:17

23 information over the weekend. I am contactable any 15:31:18

24 time. Regards, James." 15:31:21

25 Have I read that correctly? 15:31:23

1	A. Yes.	15:31:24
2	Q. And then what did you write him back and	15:31:25
3	say on the 25th of August 24, or maybe the 24th,	15:31:26
4	depending on the time frame -- I mean, the time	15:31:29
5	zone. What was your response? Read it to me.	15:31:30
6	A. "Sounds good. Also for successful	15:31:33
7	confirmation of nefarious behavior, there is an	15:31:36
8	additional 10K bonus. Timing is important as you	15:31:37
9	know. Preferable in the next 36 to 48 hours."	15:31:41
10	Q. Did Mr. Musk know that you were offering	15:31:47
11	a \$10,000 bonus to Mr. Howard if he could confirm	15:31:47
12	nefarious behavior by Vernon Unsworth?	15:31:52
13	A. I'm not sure with certainty that he did.	15:31:56
14	It's possible, but --	15:31:58
15	Q. Do you think it's likely that you would	15:31:59
16	have told him "I've thrown in a bonus to try to get	15:32:00
17	him to get this information and get it to us as	15:32:02
18	quickly as possible"?	15:32:05
19	A. It's possible.	15:32:05
20	Q. Is it likely?	15:32:05
21	A. I mean, there are a lot of decisions that	15:32:06
22	I make on my own that don't fall --	15:32:07
23	Q. You've never done this before?	15:32:10
24	A. Yes. But there are one-off little parts	15:32:11
25	of, you know, negotiations and day-to-day business	15:32:14

1 routines that I don't bounce off him. 15:32:16

2 Q. Why would you give him a bonus? 15:32:20

3 A. Incentive. 15:32:22

4 Q. Why would you just not pay him for -- 15:32:23

5 A. Same reason an athlete gets a bonus. 15:32:24

6 Q. For -- well, for -- for producing 15:32:26

7 results. That's what they get a bonus for. 15:32:29

8 Results beyond the ordinary, wouldn't you agree, so 15:32:32

9 you get a bonus? 15:32:36

10 A. Giving an extraordinary effort. 15:32:39

11 Q. But you weren't saying give us an 15:32:40

12 extraordinary effort and we'll give you \$10,000 -- 15:32:43

13 A. That's a confirmation. 15:32:47

14 Q. You said confirmation. You didn't say 15:32:48

15 get us the truth? 15:32:51

16 A. That's what a confirmation is. 15:32:53

17 Q. Confirmation of nefarious behavior? 15:32:55

18 A. Confirmation is truth. 15:32:58

19 Q. You wanted nefarious behavior confirmed. 15:32:59

20 And if he could give you -- excuse me. 15:33:01

21 It's clear as a bell. You're telling him 15:33:03

22 if you get confirmation of nefarious behavior by 15:33:07

23 Vernon Unsworth, there's another \$10,000 in it for 15:33:12

24 you. 15:33:15

25 A. That's exactly what I wrote. 15:33:15

1 Q. Did you pay him the \$10,000? 15:33:17
2 A. No, I didn't. 15:33:19
3 Q. Because he didn't give you confirmation 15:33:20
4 of nefarious behavior, did he? 15:33:24
5 A. Correct. 15:33:26
6 Q. Sir, now, look up at Exhibit -- and 15:33:26
7 hopefully we're moving to the point I was thought 15:33:28
8 we'd get to earlier, but we'll get there. 15:33:34
9 A. Do you bonus people in your law firm? 15:33:37
10 You know why you do. 15:33:53
11 Q. Are you asking me questions? 15:33:54
12 A. I am asking you questions. 15:33:55
13 Q. When we're done with the deposition, I'm 15:33:55
14 going to give you a freebie, and I'm going to let 15:33:57
15 you ask me questions, but not during my time to 15:34:00
16 question you. Fair enough? 15:34:04
17 A. Sure. 15:34:04
18 Q. And I'll be happy to answer that question 15:34:04
19 for you. You may not necessarily like it, but I'll 15:34:06
20 tell you what I give bonuses for. It wouldn't be 15:34:09
21 for this kind of garbage. 15:34:12
22 A. Well, lawyers don't do this for a living. 15:34:14
23 That's what investigators do for a living. 15:34:15
24 Q. You don't do this for a living, but you 15:34:17
25 took it upon yourself to throw out a \$10,000 bonus 15:34:19

1 Q. I'm going to give you the chance to grill 15:35:01
2 me after we're done here. I'm sure Alex wants it 15:35:04
3 to stay with me asking you right now. 15:35:07
4 MR. SPIRO: Well, it's coming off the 15:35:11
5 tracks a little bit. 15:35:13
6 MR. L. WOOD: No, it's not. It's 15:35:14
7 staying -- let me tell you. It's dead on the 15:35:14
8 center of the tracks heading toward the courthouse. 15:35:15
9 MR. SPIRO: Okay. So let's keep moving. 15:35:18
10 Question-answer, question-answer. 15:35:20
11 MR. L. WOOD: 24. 73. 15:35:22
12 (Exhibit 73 was marked for 13:37:33
13 identification.) 13:37:33
14 BY MR. L. WOOD: 15:36:07
15 Q. Are you familiar with Exhibit 73? 15:36:07
16 A. I am. 15:36:09
17 Q. And that's a fairly lengthy email thread. 15:36:09
18 It starts on -- with an email dated September the 15:36:13
19 4th where he writes you and says "Jim, I appreciate 15:36:16
20 your need -- you need quick results. I'm very 15:36:25
21 confident that we will get what we need from 15:36:29
22 Pattaya." 15:36:31
23 Have I read that correctly? 15:36:31
24 A. Yes. 15:36:33
25 Q. So as of September 4th, he hadn't gotten 15:36:33

1 that he thought he needed from Pattaya yet, right? 15:36:36

2 A. That is correct. 15:36:39

3 Q. What was the -- what was the -- back to 15:36:40

4 your bonus offer, what was the time concern about 15:36:43

5 24 to 36 hours? What was the urgency? 15:36:46

6 A. There's -- there's always a desire to get 15:36:53

7 information faster. I mean, that's just a general 15:36:55

8 principal in Elon's world. 15:37:00

9 Q. In Elon's world. So Elon was the one 15:37:01

10 pushing for the urgency of results? 15:37:03

11 A. No. That trickles down to every -- every 15:37:05

12 group that works for him. 15:37:07

13 Q. Had Elon told you to tell this guy to 15:37:09

14 kind of hit the accelerator and get things done? 15:37:11

15 A. I knew Elon's expectations in all things, 15:37:14

16 and therefore I was conveying what I felt needed to 15:37:16

17 be conveyed. 15:37:19

18 Q. And then he says down there "We know 15:37:22

19 Vernon is a "bad boy," and we are close to having 15:37:23

20 the evidence we need." 15:37:30

21 Have I read that correctly? 15:37:31

22 A. Yes. 15:37:33

23 Q. He still didn't have the evidence he 15:37:33

24 needed, did he? 15:37:36

25 A. No. 15:37:38

1 history of not writing flattering pieces about him, 15:42:16
2 didn't he? 15:42:20
3 A. I don't know about his history. 15:42:20
4 Q. You've never looked at Ryan Mac's history 15:42:22
5 on Twitter when he's reporting about Mr. Musk? 15:42:23
6 A. No. 15:42:25
7 Q. Other than perhaps the article I gave you 15:42:26
8 today from June of 2018? 15:42:28
9 A. No. I mean, have I ever read one of his 15:42:30
10 articles? I probably have. I just don't correlate 15:42:32
11 him as specifically an enemy of Elon. 15:42:35
12 Q. And here's what you said before the 15:42:38
13 self-sabotage: "You have not reported this." 15:42:40
14 You are confirming the accuracy of 15:42:43
15 Mr. Howard's statement that he had never reported 15:42:47
16 that Mr. Unsworth was a child rapist, right? 15:42:52
17 You are saying to him, you have not 15:42:56
18 reported that to me, right? 15:42:57
19 A. He had not used that term, yes. 15:42:59
20 Q. And then you made it clear that you had 15:43:01
21 not communicated it either, right? 15:43:04
22 A. Yes, I'd never -- 15:43:07
23 Q. You had not communicated that to 15:43:07
24 Elon Musk, true? 15:43:09
25 A. I'd never used that term "child rapist." 15:43:10

1 Q. You'd never communicated to Elon Musk 15:43:13
2 that Mr. Unsworth was a child rapist, true? 15:43:16
3 A. Never used that term. 15:43:20
4 Q. So the answer is "Yes. True, Mr. Wood"? 15:43:21
5 A. Yes. 15:43:22
6 Q. Right? Okay, now, then you go back and 15:43:24
7 you write another email. See the one right above 15:43:33
8 it, September 6? 15:43:38
9 A. I do see that, yes. 15:43:40
10 Q. You want to go back now and revisit the 15:43:42
11 discussion about the target, Mr. Unsworth, as a 15:43:44
12 child rapist, right? 15:43:47
13 A. Well, you said September 6th. Are you 15:43:49
14 talking about September -- 15:43:51
15 Q. Right here. 15:43:52
16 A. Oh, yes. I do see that. 15:43:53
17 Q. Bates 0370. 15:43:55
18 A. Yes. 15:43:58
19 Q. "Also, as you may expect, I have spent 15:43:59
20 over the last 24 hours -- I have spent time over 15:44:06
21 the last 24 hours compiling the information you've 15:44:07
22 provided," right? 15:44:11
23 A. Yes. 15:44:15
24 Q. "Not to be beat a dead horse, but to 15:44:15
25 briefly revisit the point below." 15:44:19

1 The point below being "child rapist," 15:44:21
2 right? 15:44:24
3 A. Yes. 15:44:25
4 Q. You repeat "You never did report that the 15:44:25
5 target is a child rapist." 15:44:28
6 Have I read that correctly? 15:44:30
7 A. Yep. 15:44:31
8 Q. Now read the rest of your email for the 15:44:32
9 record for me, please. 15:44:35
10 A. "However, you undoubtedly understand -- 15:44:36
11 Q. A little slower. 15:44:38
12 A. "However, you undoubtedly understand 15:44:38
13 where the principal is drawing this conclusion 15:44:40
14 from. You reported in multiple phone conversations 15:44:44
15 that the age of the target's girlfriend, believed 15:44:47
16 to be his wife at this time, would have put her in 15:44:48
17 her teens when they were married, and that she was 15:44:51
18 quoted in a Thai news article saying they first met 15:44:53
19 seven years prior to that, which would have made 15:44:56
20 her a very young teenager at the time. 15:44:58
21 "Some, all? of this information has now 15:45:01
22 been proven to be wrong. Why -- I'm sorry -- they 15:45:03
23 aren't married, and her age is unconfirmed. I also 15:45:06
24 haven't seen the Thai article that you referenced. 15:45:09
25 "So while I agree that the comments by 15:45:12

1 the principal were ill-advised, you can understand 15:45:14
2 that using the data you provided would have allowed 15:45:17
3 him to draw this conclusion without you explicitly 15:45:20
4 reporting it as a fact." 15:45:24
5 Q. Did you have conversations with Mr. Musk 15:45:26
6 that lead to you writing that email that you just 15:45:29
7 read to me? 15:45:32
8 A. No. 15:45:34
9 Q. So you are now trying to figure out where 15:45:34
10 in the hell did Elon Musk come with the idea that 15:45:37
11 he's a child rapist, right? 15:45:40
12 A. I'm trying to figure that out? 15:45:42
13 Q. Yeah. 15:45:42
14 A. No. I know why where he came -- came -- 15:45:42
15 how he came -- like, again, as I stated there -- 15:45:44
16 Q. Keep going. 15:45:49
17 A. He didn't use the words "child rapist." 15:45:50
18 Q. Mr. Musk did. 15:45:52
19 A. I'm saying -- sorry. Howard did not use 15:45:53
20 the word "child rapist." 15:45:55
21 Q. He didn't say anything close to it. 15:45:56
22 MR. SPIRO: Let him finish. 15:46:00
23 THE WITNESS: However, he, on multiple 15:46:00
24 occasions, shared that he had met Tik as a young 15:46:02
25 teenager. And -- and so what I was saying is, 15:46:06

1 because of that information that was shared on 15:46:09
2 multiple occasions -- 15:46:11
3 BY MR. L. WOOD: 15:46:13
4 Q. When he met her. 15:46:13
5 A. That's -- that is what would have led 15:46:14
6 Mr. Musk to that conclusion, not to mention the 15:46:16
7 added information about Pattaya and everything 15:46:20
8 else. And so that is where that conclusion came 15:46:23
9 from. It's a term that he used to sum up what -- 15:46:25
10 Q. Who used? Mr. Musk? 15:46:28
11 A. Mr. Musk used to sum up Howard's 15:46:32
12 information. 15:46:35
13 Q. And part of that information you're 15:46:35
14 claiming is -- you're saying that you had provided 15:46:37
15 Mr. Musk with information from Mr. Howard that Tik 15:47:07
16 and Mr. Unsworth were married when Tik was in her 15:47:15
17 teens. Not met. Married, right? 15:47:24
18 A. Yes. 15:47:30
19 Q. So you're telling me that Mr. Howard told 15:47:30
20 you they were married when she was how old? 15:47:33
21 A. 18 or 19. 15:47:37
22 Q. Not that they met when she was 18 or 19, 15:47:38
23 but that they were married when she was 18 or 19, 15:47:40
24 true? 15:47:44
25 A. That's correct. True. 15:47:46

1 Q. Being married to an 18 or 19-year-old is 15:47:47
2 not a child. She's not a child bride, is she? 15:47:50
3 A. That's -- 15:47:55
4 Q. She's certainly not a 12-year-old child 15:47:55
5 bride? 15:47:58
6 A. That is true. 15:47:58
7 Q. So that statement by Mr. Musk was false, 15:47:59
8 and had no factual foundation. 15:48:02
9 MR. SPIRO: Objection. 15:48:06
10 BY MR. L. WOOD: 15:48:06
11 Q. Nobody ever told him -- 15:48:07
12 MR. SPIRO: Form. 15:48:08
13 Q. Excuse me. 15:48:08
14 Nobody ever told him -- not you, not 15:48:08
15 Mr. Howard, nobody -- that in fact Tik and Vernon 15:48:11
16 were married when she was 12 years old, true? 15:48:17
17 A. That is true. 15:48:21
18 Q. In fact, if you work back under your 15:48:27
19 statement, if they got married when she was 18 or 15:48:30
20 19 -- and that's what you were contending, right? 15:48:39
21 A. Yep. Yes. 15:48:42
22 Q. That would not make him a child rapist, 15:48:42
23 because she would be over the age of consent. 15:48:46
24 A. However, it was made clear that they met 15:48:52
25 seven years prior to -- 15:48:55

1 BY MR. L. WOOD 15:49:55

2 Q. So if she's 18 or 19, and they are 15:49:55

3 married -- which would assume sexual intercourse, 15:50:03

4 right? 15:50:06

5 A. Most likely. 15:50:06

6 Q. He's not -- she's not a 12-year-old child 15:50:10

7 bride, true? 15:50:12

8 A. True. 15:50:12

9 Q. And that -- that fact of marriage at 18 15:50:12

10 does not in any way support that he was a child 15:50:16

11 rapist, true? 15:50:21

12 A. Someone being married at 18 does not 15:50:23

13 suggest they are a child rapist in and of itself, 15:50:25

14 correct. 15:50:28

15 Q. And if you go back and assume that she 15:50:28

16 was seven years -- that they had met seven years 15:50:33

17 before they were married at age 18 or 19, that 15:50:38

18 would be evidence that they met each other -- met 15:50:43

19 each other when she was 11 or 12 years old, true? 15:50:46

20 A. True. 15:50:52

21 Q. To meet someone is not to have sexual 15:50:52

22 intercourse with them, is it? 15:50:55

23 A. Not -- no. 15:50:58

24 Q. And to meet someone at 11 or 12 years old 15:51:00

25 does not support an accusation that having met her 15:51:04

1 A. We're talking about child rapists. 15:52:14

2 Q. How do you -- how does the logic that you 15:52:14

3 set out in any way support that Elon -- that -- 15:52:14

4 A. Well, you're saying the logic -- 15:52:21

5 Q. Excuse me. I've got to finish. No. 15:52:21

6 You're trying to say what you thought might explain 15:52:21

7 what Elon said and why he said it. 15:52:26

8 But you recognize that even your efforts 15:52:29

9 to explain it do not in any way support Elon Musk's 15:52:30

10 statement that Vernon Unsworth had a 12-year-old 15:52:35

11 child bride and was a child rapist. 15:52:41

12 Can we agree on that? 15:52:43

13 A. That's -- that's incorrect. What I'm -- 15:52:45

14 I wasn't, again, trying to create a court of law 15:52:47

15 argument there -- 15:52:52

16 Q. I'm not suggesting that. 15:52:53

17 A. I was trying to help James understand 15:52:54

18 clearly and recall that he was the source of all 15:52:58

19 information. 15:53:00

20 There was lot more information that what 15:53:00

21 I outlined here that allowed those conclusions to 15:53:01

22 be drawn. 15:53:05

23 Q. Well, here's the chance to say it. 15:53:05

24 You-all are in a discussion about whether or not 15:53:05

25 you said to Elon "Unsworth's a child rapist." I 15:53:08

1 didn't say it. You didn't tell him that. 15:53:14
2 You didn't communicate to Elon Musk that 15:53:14
3 Vernon Unsworth's a child rapist, right? 15:53:18
4 A. That's right. 15:53:20
5 Q. And you didn't communicate to Elon Musk 15:53:21
6 that Mr. Howard said that Vernon was a child 15:53:22
7 rapist, did you? 15:53:25
8 A. No, I did not communicate that. 15:53:28
9 Q. And you didn't communicate to Elon Musk 15:53:30
10 that Vernon Unsworth married Tik when she was 12 15:53:33
11 years old, did you? 15:53:36
12 A. No. 15:53:37
13 Q. And Mr. Howard never communicated to you 15:53:37
14 at any time, that in fact, Tik and Vernon were 15:53:40
15 married when she was 12 years old, right? 15:53:45
16 A. Correct. 15:53:48
17 Q. Therefore you never communicated to 15:53:50
18 Mr. Musk any information, from Mr. Howard or 15:53:52
19 otherwise, that would in any way remotely support 15:53:57
20 the conclusion that Vernon and Tik were married 15:54:01
21 when she was 12 years old, and that Vernon Unsworth 15:54:04
22 a child rapist, true? 15:54:08
23 MR. SPIRO: Objection. 15:54:10
24 THE WITNESS: I disagree with that. 15:54:10
25 ///

1 BY MR. L. WOOD: 15:54:12

2 Q. Where -- I want to make sure I 15:54:12

3 understand. Where do you disagree? 15:54:13

4 A. So I -- 15:54:14

5 Q. Where does it break down there? 15:54:14

6 A. So I -- I -- I would -- there is some 15:54:17

7 support for the first half of that statement -- 15:54:18

8 Q. What support? 15:54:20

9 A. -- about the child bride. 15:54:20

10 Q. What support? 15:54:22

11 A. What you just outlined would support not 15:54:25

12 being a child bride by -- 15:54:27

13 Q. 12-year-old child bride. 15:54:29

14 A. Exactly. So that's what I'm saying. 15:54:31

15 You're correct in that regard. Some would say that 15:54:33

16 an 18-year-old is a child bride, but that's 15:54:35

17 obviously by definition of the law. Not the case 15:54:37

18 in Thailand, however -- 15:54:38

19 Q. I don't think it's the definition of the 15:54:41

20 law in the United States. 15:54:42

21 MR. SPIRO: We're not going to submit to 15:54:44

22 an argument about -- 15:54:44

23 MR. L. WOOD: Well, he's the one that 15:54:45

24 said it. I'm just saying it for him. 15:54:45

25 THE WITNESS: I'm just saying that some 15:54:47

1 would say that that's a child getting married. 15:54:47

2 MR. L. WOOD: He's struggling here. Be 15:54:49

3 careful. I mean -- 15:54:49

4 MR. SPIRO: Lin. Lin. Objection. 15:54:50

5 THE WITNESS: I'm stating -- 15:54:51

6 MR. L. WOOD: You're trying to justify -- 15:54:51

7 THE WITNESS: No, I'm not trying to 15:54:53

8 justify anything. 15:54:54

9 BY MR. L. WOOD: 15:54:54

10 Q. All I want to know is where is my logic 15:54:54

11 wrong? Where did Elon Musk -- 15:54:55

12 A. I just finished saying your logic wasn't 15:54:59

13 wrong. 15:55:01

14 Q. Well, maybe I didn't hear you. 15:55:01

15 A. About the child bride. 15:55:01

16 MR. SPIRO: That's what he just said. 15:55:01

17 MR. L. WOOD: He said what? 15:55:02

18 THE WITNESS: The child bride logic was 15:55:02

19 not wrong. 15:55:04

20 BY MR. L. WOOD: 15:55:06

21 Q. Right. But how do you make it right -- 15:55:06

22 A. I'm saying the child rapist side of it is 15:55:08

23 incorrect. That there was a lot of information 15:55:10

24 that would have led one to draw that conclusion. 15:55:12

25 Q. What information? 15:55:15

1 MR. SPIRO: This has been asked and 15:55:17
2 answered two times. 15:55:18
3 MR. L. WOOD: No, it has not. 15:55:20
4 MR. SPIRO: Yes, it has been. 15:55:20
5 MR. L. WOOD: This is the first time I've 15:55:20
6 asked him. 15:55:21
7 He's sitting -- you're sitting here 15:55:21
8 having an exchange with Mr. Howard, and you are 15:55:21
9 discussing the statement by Elon Musk that 15:55:26
10 Vernon Unsworth was a child rapist, right? 15:55:32
11 THE WITNESS: Yes. 15:55:36
12 BY MR. L. WOOD: 15:55:37
13 Q. And you write Mr. Howard, and he writes 15:55:37
14 you. And you say "I never told Elon that Unsworth 15:55:42
15 was a child rapist." And Howard said "I didn't 15:55:49
16 tell anybody that -- I never told you that 15:55:55
17 Vernon Unsworth was a child rapist," right? 15:55:57
18 So what I -- am I right so far? 15:56:00
19 A. Yes, that term was never used. 15:56:03
20 Q. That's what he said to a member of the 15:56:06
21 United States media, that Vernon Unsworth was a 15:56:07
22 child rapist. 15:56:12
23 What do you understand a child rapist to 15:56:13
24 refer to? 15:56:19
25 A. Someone who has sex with a child. 15:56:21

1 Q. Defining a child as being at what age? 15:56:23

2 A. Oh, from what I understand it differs in 15:56:26

3 different countries, but -- 15:56:28

4 Q. In the U.S. of A? 15:56:31

5 A. Under 18 years. Is that wrong? 15:56:33

6 Q. So where do you come up with any support 15:56:39

7 for Elon Musk making the outrageous and disgusting 15:56:44

8 accusation that Mr. Unsworth was a child rapist? 15:56:49

9 A. I come up with -- 15:56:54

10 MR. SPIRO: Objection. 15:56:56

11 You -- can answer. You know, I'm going 15:56:56

12 to object to continued theatrics. He's answered 15:56:56

13 this question 20 times. 15:57:00

14 MR. L. WOOD: There's no theatrics. 15:57:00

15 MR. SPIRO: Twenty times, but you can 15:57:02

16 answer the question. 15:57:02

17 MR. L. WOOD: I thought you liked to say 15:57:02

18 50 times. 15:57:05

19 MR. SPIRO: No. This is wasn't 50 times. 15:57:07

20 MR. L. WOOD: Listen, you want to get 15:57:07

21 done, you better -- you better get to it. 15:57:07

22 MR. SPIRO: So let's do it one more time. 15:57:10

23 Answer the question of what you think the 15:57:11

24 basis was for him to say that. 15:57:13

25 MR. L. WOOD: I didn't ask him that 15:57:14

1 question. Hold on. I want to make where -- 15:57:17

2 MR. SPIRO: Do you find any support? Any 15:57:19

3 support. 15:57:19

4 MR. L. WOOD: Let me just stop you. 15:57:19

5 MR. SPIRO: Yeah. 15:57:21

6 MR. L. WOOD: It is not your turn. 15:57:21

7 MR. SPIRO: Okay. I don't need -- 15:57:23

8 MR. L. WOOD: You make objections. And 15:57:24

9 I'll ask the questions. 15:57:25

10 MR. SPIRO: I'm looking at the question 15:57:26

11 you wrote. 15:57:26

12 MR. L. WOOD: Right. That's my job, not 15:57:26

13 yours. 15:57:29

14 BY MR. L. WOOD: 15:57:29

15 Q. I want to find where you got any 15:57:29

16 information, what information it was, that would 15:57:34

17 have in any way supported as true that 15:57:38

18 Vernon Unsworth was a child rapist. 15:57:44

19 Just tell me what it is. 15:57:47

20 A. Yeah. So if you go back and read a 15:57:52

21 number of things that -- that Howard wrote, and if 15:57:54

22 you knew all of what was said and what was 15:57:58

23 communicated, you would know that we had an 15:58:00

24 investigator telling us that -- that he spent -- or 15:58:03

25 that he met a young Thai girl in a -- in Thailand, 15:58:06

1 known for what it's -- you know, for pedophilia and 15:58:11
2 all that stuff, that he spent time with her as a 15:58:16
3 young girl, and that he had frequented other 15:58:21
4 establishments in Pattaya that were known for those 15:58:23
5 same things. 15:58:27
6 And so there was -- those were -- those 15:58:27
7 are some of the few reasons that would have caused 15:58:29
8 that conclusion to be drawn. So that -- 15:58:34
9 Q. I'm still trying to look for child 15:58:38
10 rapist. Number one, rape would assume that he 15:58:41
11 forced -- that he, because of her age, he would 15:58:44
12 have to have sexual intercourse or anal intercourse 15:58:47
13 or sodomy. That would be the rape, right? 15:58:50
14 A. Yes. 15:58:55
15 MR. SPIRO: You're defining the term as 15:58:57
16 you're -- as you're going. How -- 15:59:01
17 MR. L. WOOD: Why don't you just object 15:59:03
18 and stop -- you know. I don't mind you keeping 15:59:03
19 laughing; that doesn't matter to me. 15:59:05
20 MR. SPIRO: I'm not laughing. I'm 15:59:07
21 just -- it's a gasp. 15:59:07
22 MR. L. WOOD: Do that in front of the 15:59:07
23 jury. Do that in front of the judge. 15:59:09
24 It's a what? 15:59:10
25 MR. SPIRO: It is a gasp; it's not a 15:59:11

1 laugh. 15:59:12

2 MR. L. WOOD: Oh, I know the difference 15:59:15

3 between a gasp -- 15:59:15

4 MR. SPIRO: You should. 15:59:15

5 MR. L. WOOD: I would be gasping a lot if 15:59:15

6 I were you today. You too. Let's ask questions 15:59:17

7 and get answers. 15:59:17

8 MR. SPIRO: Go ahead. Ask the questions. 15:59:18

9 BY MR. L. WOOD: 15:59:18

10 Q. Mr. -- Mr. Birchall, I'm still not 15:59:18

11 getting it. 15:59:23

12 A. Okay. 15:59:24

13 Q. I'm looking for support on information 15:59:24

14 that you got from Mr. Howard that could in some way 15:59:27

15 be analyzed by Elon Musk to come to the conclusion 15:59:33

16 that he had been told as a fact that 15:59:38

17 Vernon Unsworth was a child rapist? 15:59:41

18 A. So I don't know if you want me to keep 15:59:46

19 repeating what I've said previously. 15:59:47

20 Q. I just want you to tell me. I haven't 15:59:50

21 heard an answer yet to child rapist. I've heard -- 15:59:50

22 here's what you told me. 15:59:52

23 That an investigator tells that he met a 15:59:54

24 young Thai girl in Thailand. 15:59:58

25 That would be Tik? 15:59:59

1 A. Yes. 16:00:01
2 Q. And the investigator is telling you 16:00:02
3 different things about the time and her age when 16:00:05
4 they met? 16:00:09
5 A. In a region known for this behavior. 16:00:10
6 Q. Sir. Pedophilia is not necessarily -- 16:00:13
7 A. You asked the question. I'm telling you. 16:00:16
8 Q. You are saying Thailand is known for 16:00:17
9 child rape? 16:00:20
10 A. Yes. 16:00:24
11 Q. So you got Mr. Unsworth meeting a young 16:00:25
12 Thai girl in Thailand. 16:00:28
13 How is she when they met? 16:00:28
14 A. I mean, at times we believed around 12 16:00:30
15 years old. 16:00:35
16 Q. There were more statements that she was 16:00:37
17 18 to 19, based on the age of 30. 16:00:38
18 A. Written statements. 16:00:41
19 Q. Yeah, but he was going back and forth 16:00:42
20 with you. He would say 18 or 19 at one point. 16:00:43
21 Then he would tell you 12 at one point. Then he 16:00:46
22 would go 18 or 19 at one point. And then he would 16:00:47
23 go to 12 at one point. 16:00:50
24 Is that the way it happened? 16:00:52
25 A. Yes. Not exactly that sequence, but -- 16:00:53

1 Q. But like that. He was going back and 16:00:56
2 forth between 12 and 18 and 19, right? 16:00:57
3 A. There was some back and forth. 16:01:01
4 Q. And you told Mr. Musk there was 16:01:02
5 discrepancies and there was back and forth and it 16:01:03
6 was not the same, true? 16:01:05
7 A. Yes. I communicated what was 16:01:07
8 communicated to me. 16:01:09
9 Q. Right. Prior to when he made the 16:01:13
10 statement about him being a child rapist, right? 16:01:15
11 A. Prior. So that would have been prior 16:01:20
12 to -- 16:01:22
13 Q. Prior to August the 30th. 16:01:22
14 A. There was vacillation by Howard prior 16:01:25
15 to -- to August 30th, though he had stuck to his 16:01:28
16 guns that his belief was that it was the younger 16:01:36
17 age. 16:01:40
18 Q. The last communications he had, sir, put 16:01:43
19 her at best 18 or 19, based on the age of Tik being 16:01:46
20 either 30 -- there was another one at 35. 16:01:49
21 A. Yeah, that's written communication. 16:01:54
22 Q. I understand that. But you told Elon I'm 16:01:54
23 getting mixed signals here. He's telling me 12. 16:01:58
24 Now he's written me and saying 18 or 19. You know 16:01:59
25 Mr. Musk about the problem, didn't you? 16:02:03

1 A. I would have communicated everything 16:02:08
2 communicated to me, yes. 16:02:09
3 Q. You would have told him about that age 16:02:09
4 problem about when they met or when they got 16:02:11
5 married before August the 30th when he wrote that 16:02:12
6 email to Ryan Mac, true? 16:02:14
7 A. Again, I would have communicated all 16:02:17
8 information. To me -- and so I didn't single out 16:02:18
9 that as an individual issue, but it would have been 16:02:25
10 included in information that I shared. 16:02:28
11 Q. Prior to August the 30th when he wrote 16:02:31
12 and said he was a child rapist. 16:02:32
13 A. I mean, again, if you're suggesting that 16:02:36
14 I shared the report that was provided -- 16:02:39
15 Q. No, I'm not. 16:02:40
16 A. -- I don't know -- 16:02:40
17 Q. No, no -- 16:02:42
18 A. I don't know that that -- 16:02:43
19 Q. I don't know if you did or not. You 16:02:44
20 don't -- you haven't told me that you did, but what 16:02:45
21 you have told me is that you told Elon Musk before 16:02:48
22 August the 30th -- 16:02:51
23 A. There was some vacillation. 16:02:52
24 Q. -- that you were getting 12, and you were 16:02:52
25 getting 18 or 19, and her date -- her age had not 16:02:55

1	been verified. You told that to Elon --	16:02:58
2	A. There was some truth --	16:02:58
3	Q. Excuse me. You told that to Elon Musk	16:02:58
4	before he wrote BuzzFeed on the 30th of August,	16:03:03
5	true?	16:03:05
6	A. Yes.	16:03:05
7	Q. All right. Now, I want to go back and	16:03:07
8	finish up where I was.	16:03:09
9	So you write Mr. Howard, and you give him	16:03:10
10	this -- we're still looking at Exhibit 73, okay.	16:03:23
11	He writes you back. Same day, right?	16:03:27
12	Starts off "Jim, just to clarify the point you	16:03:46
13	made."	16:03:51
14	You with me?	16:03:51
15	A. I am.	16:03:54
16	Q. Now he's giving you -- there's no	16:03:55
17	lawsuit. Nobody's cross-examining anybody. He	16:03:57
18	says to you "Just to clarify the points you made.	16:04:02
19	The investigation team in Chiang Rai was able to	16:04:05
20	establish a number of important information."	16:04:13
21	Have I read that correctly?	16:04:14
22	A. Yes.	16:04:16
23	Q. Now read the next part for me that he	16:04:16
24	wrote to you.	16:04:18
25	A. "I made the assumption based on what was	16:04:18

1 reported back to me that if her age is in fact 30 16:04:21
2 and not 40, that she has been married, not legally, 16:04:25
3 but in a religious context, for seven years. 16:04:27
4 "Plus we also know that she was dating 16:04:31
5 Unsworth for at least a further three years prior 16:04:33
6 to this. Then she would have been in her late 16:04:36
7 teenage years when they met. I believe I told you 16:04:39
8 that I thought this would have been about 19. 16:04:42
9 There's a big difference between 19 and 29, I 16:04:44
10 agree, and even bigger leap to being a child 16:04:49
11 rapist. 16:04:52
12 "I don't know how anyone could come to 16:04:52
13 that conclusion, as neither of us have ever 16:04:55
14 mentioned child, children, or rape in our 16:04:57
15 conversations." 16:04:59
16 Q. That's good. Is that true that neither 16:05:00
17 one of you had ever mentioned children or rape in 16:05:02
18 your conversations? 16:05:05
19 MR. SPIRO: Objection; asked and answered 16:05:05
20 many times. 16:05:06
21 THE WITNESS: Yeah. 16:05:07
22 MR. L. WOOD: I just -- answer my 16:05:07
23 question, sir. 16:05:07
24 THE WITNESS: To say children or -- child 16:05:07
25 rapist was not mentioned in our conversations. 16:05:13

1 BY MR. L. WOOD: 16:05:15

2 Q. Exhibit 73, is it a true, accurate, and 16:05:15

3 correct copy of the email exchange that you had 16:05:17

4 with Mr. Howard, starting on the email of 16:05:20

5 September the 4th, ending with the last email -- 16:05:27

6 September 18th. 16:05:31

7 A. I believe so. 16:05:32

8 Q. Is that a true and correct copy of the 16:05:32

9 email thread between the two of you? 16:05:34

10 A. I believe so. 16:05:39

11 MR. L. WOOD: Let's take a break. 16:05:39

12 THE VIDEOGRAPHER: Going off the record 16:05:40

13 at 4:04 p.m. 16:05:41

14 (Recess taken.) 16:16:24

15 THE VIDEOGRAPHER: And we're back on the 16:16:25

16 record at 4:15 p.m. 16:16:34

17 BY MR. L. WOOD: 16:16:56

18 Q. Mr. Birchall, after you received the 16:16:56

19 email that we just went over from Mr. Howard, okay, 16:17:00

20 that's at 0369 of Exhibit 73? 16:17:02

21 A. Yeah. 16:17:12

22 Q. You wrote him back, did you not? 16:17:12

23 A. I believe so, but I'll confirm that in a 16:17:14

24 second. Yeah, I'm looking -- I'm sorry. So what 16:17:16

25 was the date that you are referring to 16:17:26

1 specifically? 16:17:28

2 Q. September 6. Bates 00368. 16:17:30

3 A. Yes, I'm looking at that. 16:17:33

4 Q. Second paragraph, you say "Regarding your 16:17:34

5 follow-up comment. We were told numerous times 16:17:37

6 that they were married or formed a relationship in 16:17:41

7 her late teens (you said 18), but that she was 16:17:45

8 quoted in a newspaper saying they met seven years 16:17:51

9 prior." 16:17:56

10 Have I read that correctly? 16:17:56

11 A. Yes. 16:17:58

12 Q. So you were saying that when there was 16:17:58

13 vacillation about her age, that you had been told 16:18:00

14 by Mr. Howard that Vernon and Tik were married or 16:18:04

15 formed a relationship, I guess similar to marriage, 16:18:12

16 at her -- at the age of 18, true? 16:18:18

17 A. True. 16:18:23

18 Q. And you never got any information to 16:18:28

19 suggest that he married her or formed a 16:18:30

20 relationship with her earlier than her age being 16:18:33

21 18, true? 16:18:37

22 MR. SPIRO: Objection to form. Formed a 16:18:38

23 relationship with whom? 16:18:41

24 BY MR. L. WOOD: 16:18:42

25 Q. Is that right, sir? 16:18:42

1	A.	I believe so.	16:18:44
2	Q.	Yeah.	16:18:46
3	A.	I thought so.	16:18:46
4	Q.	I want to get these. So -- just so that	16:18:47
5		I have covered my bases, Exhibit 73 is a true and	16:19:06
6		correct and accurate copy of the email exchanges	16:19:13
7		between you and Mr. Howard as reflected thereon,	16:19:15
8		true?	16:19:18
9	A.	True.	16:19:19
10	Q.	Exhibit 72 is a true and correct copy and	16:19:21
11		accurate of the email exchanges contained therein	16:19:23
12		between you and Mr. Howard, right?	16:19:29
13	A.	Yes. I mean, I haven't inspected every	16:19:30
14		word, but I believe so, yeah.	16:19:33
15	Q.	Is there any doubt?	16:19:33
16	A.	Well, I mean, we don't have time for me	16:19:35
17		to inspect every word.	16:19:37
18	Q.	Well --	16:19:37
19	A.	Yes. I believe that, yes.	16:19:37
20		MR. L. WOOD: You may be able to help him	16:19:39
21		by stipulating.	16:19:41
22		MR. SPIRO: Yeah, we --	16:19:44
23		MR. L. WOOD: Can we just go through --	16:19:44
24		MR. SPIRO: The documents --	16:19:45
25		MR. L. WOOD: -- and stipulate --	16:19:45

1 report. 16:26:16

2 A. Yeah, again, I -- 16:26:17

3 Q. The truth of the matter is when you wrote 16:26:19

4 him back on October 17th, you didn't want any more 16:26:20

5 reports from him. You were done with him? 16:26:22

6 A. Basically, yes. 16:26:24

7 Q. Had not gotten -- he had not earned his 16:26:26

8 bonus, and his information, as you said on 10/2, 16:26:29

9 had not ever been verified. 16:26:31

10 You've given me absolutely nothing 16:26:34

11 verified. True? 16:26:38

12 A. True. 16:26:41

13 Q. One last thing. The -- I know we talked 16:26:42

14 about and you mentioned -- did you ever talk with 16:26:47

15 Mr. Musk about his email to Ryan Mac of August the 16:27:37

16 30th? The one you said earlier had titled at the 16:27:40

17 top "Off the record"? 16:27:45

18 A. Yes. I believe at some point we had a 16:27:46

19 conversation. 16:27:49

20 Q. What did he tell you? 16:27:50

21 A. I mean, again, I wasn't in that, like, 16:27:51

22 what you'd call this kind of crises room or 16:27:53

23 whatever to deal with any of the aftermath of that, 16:27:56

24 so I can't -- I think it was a comment made 16:28:02

25 probably in the week or two after in one of our 16:28:06

1 know. 16:29:05

2 BY MR. L. WOOD: 16:29:05

3 Q. Well, strike that. Withdraw that. 16:29:05

4 The Ryan Mac email fell within the exact 16:29:07

5 time frame of when you and Mr. Howard were seeking 16:29:11

6 to get information, negative information, published 16:29:16

7 about Vernon Unsworth, true? 16:29:19

8 A. If you say so, yes. 16:29:24

9 Q. I don't want to do that. 16:29:26

10 MR. SPIRO: We can stipulate to the 16:29:26

11 dates. 16:29:28

12 BY MR. L. WOOD: 16:29:28

13 Q. We went over your text messages, and it 16:29:28

14 was the 28th. 16:29:31

15 A. Yeah, I'm -- 16:29:31

16 Q. Yeah. The Ryan Mac email fell square 16:29:31

17 into the time period when you and Mr. Musk had 16:29:34

18 agreed -- 16:29:36

19 A. Got it. 16:29:37

20 Q. -- for Howard to try to get negative 16:29:38

21 information about Vernon published in the media 16:29:40

22 without any disclosure that it was coming from 16:29:45

23 Elon Musk or one of his investigators, true? 16:29:47

24 A. True. 16:29:56

25 Q. Okay. 16:29:56

EXHIBIT 3

EXHIBIT 3

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3

4

5 VERNON UNSWORTH,

6 Plaintiff,

7 vs.

Case No. 2:18-cv-8048

8 ELON MUSK,

9 Defendant.

10

11 VIDEOTAPED DEPOSITION OF VERNON UNSWORTH

12 BEVERLY HILLS, CALIFORNIA

13 AUGUST 14, 2019

14

15

16

17

18

19 Reported By:
20 PATRICIA Y. SCHULER
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22

23

24

25

1 in March 2013? 10:10:00

2 A. She would be nearly 18. 10:10:03

3 Q. How did you and Tik meet? 10:10:08

4 A. We met in a coffee shop in London. 10:10:11

5 Q. And how did it come about that you 10:10:14

6 actually started talking to one another? Did 10:10:16

7 someone -- this wasn't a blind date, I assume. You 10:10:19

8 met her for the first time in that coffee shop? 10:10:21

9 MR. WOOD: Objection to the form of the 10:10:25

10 question. 10:10:26

11 BY MR. SCHWARTZ: 10:10:27

12 Q. I'll withdraw it. Let's just ask one 10:10:27

13 question at a time. 10:10:27

14 Just tell me: What were the 10:10:28

15 circumstances under which you met Tik? 10:10:30

16 A. I was in a coffee shop, having had a 10:10:31

17 business meeting. And she was in the same coffee 10:10:31

18 shop on another table, and I asked her to join me. 10:10:37

19 Q. What caused you to want to ask a woman 10:10:50

20 you had not met before in a coffee shop to join 10:10:53

21 you? 10:10:56

22 A. I can't really recall exactly how it 10:10:59

23 happened, but just something that, spur of the 10:11:01

24 moment, she looked up and she was on her own. I 10:11:07

25 was on my own. I was having a coffee. She was 10:11:10

1 came with you this time or that time? 10:16:09

2 A. Because I was being honored at Buckingham 10:16:12

3 Palace to receive my MBE. 10:16:17

4 Q. Does Tik have any children? 10:16:27

5 A. She has a daughter called Panisa who is, 10:16:28

6 I think she's either -- she is 13 or 14. I am not 10:16:32

7 sure of her exact age. 10:16:37

8 Q. She is not your daughter? 10:16:39

9 A. She is not my daughter, no. 10:16:40

10 Q. You are not legally married to Tik, are 10:16:47

11 you? 10:16:49

12 A. No, we are not married. 10:16:49

13 Q. Have you ever had any kind of a 10:16:51

14 commitment ceremony or some other religious 10:16:53

15 ceremony to consummate or memorialize in some 10:16:56

16 fashion your relationship with Tik? 10:17:02

17 A. No. 10:17:04

18 Q. All right. Had you ever been to Thailand 10:17:05

19 before you met Tik? 10:17:17

20 A. No. 10:17:18

21 Q. Your first trip to Thailand was in 2011, 10:17:27

22 correct? 10:17:31

23 A. July 2011. 10:17:32

24 Q. Why did you go to Thailand your first 10:17:33

25 trip there? Why did you go there? 10:17:36

1 A. Because Tik was on a six-month visa. Her 10:17:40
2 visa was ending, so I decided to go back with her 10:17:43
3 in July 2011. 10:17:47
4 Q. And when you went back to Thailand -- 10:17:48
5 strike that. 10:17:50
6 How many times have you been to Thailand 10:17:55
7 since 2011? 10:17:57
8 A. I don't recall how many times; I can't 10:18:00
9 put a number on it. 10:18:07
10 Q. Before the cave rescue, had anybody ever 10:18:15
11 asked you why you spent so much time in Thailand? 10:18:18
12 A. No. 10:18:22
13 Q. So people were never curious why you were 10:18:23
14 spending time in Thailand or why you were going 10:18:30
15 there so often? 10:18:32
16 A. No. 10:18:35
17 Q. I believe you said yes, but maybe I 10:18:38
18 misheard you. 10:18:40
19 Have you ever been to Soi Su Nee, 10:18:41
20 Thailand? 10:18:43
21 MR. WOOD: I don't remember that. 10:18:45
22 BY MR. SCHWARTZ: 10:18:45
23 Q. I'll spell it. It's three words: S-o-i, 10:18:47
24 S-u, N-e-e. 10:18:47
25 A. Soi? 10:18:54

1 Q. Soi Su Nee. 10:18:55
2 A. No. 10:18:57
3 Q. Have you ever been to Pattaya, Thailand, 10:19:10
4 or Pattaya Beach? 10:19:12
5 MR. WOOD: Which one do you want him to 10:19:15
6 answer? 10:19:16
7 BY MR. SCHWARTZ 10:19:16
8 Q. Are those two different places? 10:19:16
9 A. Yes. 10:19:20
10 Q. Let's talk about Pattaya, P-a-t-t-a-y-a, 10:19:21
11 Thailand. 10:19:22
12 Have you ever been there? 10:19:26
13 A. No. 10:19:27
14 Q. Have you been to the Su Nee Plaza in 10:19:29
15 Pattaya? 10:19:31
16 A. No. 10:19:33
17 Q. Strike the "in Pattaya," but have you 10:19:34
18 ever been to Su Nee Plaza? 10:19:35
19 A. No. 10:19:37
20 Q. Have you ever been to the Penthouse 10:19:38
21 Hotel? 10:19:40
22 A. Where? 10:19:43
23 Q. In Thailand. 10:19:43
24 A. No. 10:19:45
25 MR. WOOD: Is that the one with the 10:19:46

1 the cave system, to the actual location where the 12:26:20
2 boys and their coach were found? 12:26:21
3 A. Many, many times. 12:26:24
4 Q. What was that area called? 12:26:25
5 A. It was a section just after Pattaya 12:26:28
6 Beach. 12:26:30
7 Q. Were you the first person to map that 12:26:32
8 area of the cave system? 12:26:34
9 A. No. 12:26:37
10 Q. Who was? 12:26:37
11 A. The French team on their survey, which 12:26:38
12 they did back in 1986, '87. 12:26:41
13 Q. So the June 24, 2018 -- is that the date 12:26:46
14 you first learned that the boys had gone missing? 12:26:57
15 A. Yes. 12:27:01
16 Q. And all of the boys and their coach were 12:27:02
17 successfully rescued. The last one that was out, 12:27:05
18 so to speak, was July 10, 2018; is that right? 12:27:08
19 A. Yes. 12:27:11
20 Q. So the cave rescue occurred over a period 12:27:12
21 of approximately 17 days; is that right? 12:27:17
22 A. 18 days. 12:27:20
23 Q. 18 days. Okay. 12:27:20
24 And is it true that a lot of people 12:27:24
25 contributed to the cave rescue? 12:27:25

1	A.	Yes, very much so.	12:27:29
2	Q.	How many?	12:27:32
3	A.	Well over 10,000 people, which included	12:27:33
4		volunteers and cave rescuers -- well, rescuers in	12:27:33
5		general.	12:27:38
6	Q.	How many divers assisted with the cave	12:27:38
7		rescue?	12:27:41
8	A.	I can't put an exact figure on that. Do	12:27:46
9		you mean just the divers that were involved in the	12:27:48
10		extraction, or do you mean the divers as a whole in	12:27:51
11		terms of the whole operation?	12:27:56
12	Q.	I mean in the whole operation, and if you	12:27:57
13		can't give me the precise number, that's okay, but	12:27:59
14		can you estimate the number of divers?	12:28:02
15	A.	I can't give you an exact number.	12:28:04
16	Q.	More than 100?	12:28:05
17	A.	I would be guessing.	12:28:08
18	Q.	More than 10?	12:28:12
19	A.	More than 10.	12:28:14
20	Q.	And then in terms of --	12:28:15
21	A.	Let me finish.	12:28:16
22	Q.	I'm sorry.	12:28:17
23	A.	You have to appreciate that it was not	12:28:17
24		just the UK divers. It was the Thai Navy SEALs,	12:28:18
25		and there was other divers involved, so I cannot	12:28:21

1 put an exact number on that. 12:28:24

2 Q. Is it fair to say -- correct to say that 12:28:26

3 there were many divers involved in locating the 12:28:28

4 boys in the cave? 12:28:32

5 A. When you say "many," what I can say is 12:28:37

6 that some of the divers never got past Chamber 3, 12:28:40

7 and it only the most experienced divers that got 12:28:43

8 past from Chamber 3 to where the boys were found. 12:28:48

9 Q. All right. 12:28:51

10 A. So I can't put a number on that. 12:28:51

11 Q. Is it correct that people came from all 12:28:54

12 over the world to assist in the rescue? 12:28:56

13 A. Yes. 12:28:59

14 Q. And they were -- 12:29:00

15 A. From at least 24 countries. 12:29:00

16 Q. You didn't see everybody who was trying 12:29:04

17 to help with the cave rescue, did you? 12:29:07

18 A. No. 12:29:10

19 Q. And you didn't see what everyone who was 12:29:10

20 trying to help with the cave rescue did, right? 12:29:12

21 A. No. 12:29:15

22 Q. And you certainly personally don't know, 12:29:16

23 and certainly at the time the cave rescue ended did 12:29:18

24 not know, what every person at the rescue site was 12:29:23

25 doing during the rescue, right? 12:29:26

1 We are off the video record. 12:33:09

2 (Lunch recess taken.) 12:33:11

3 (Recess taken.) 13:28:00

4 THE VIDEOGRAPHER: The time is 1:27 p.m. 13:28:04

5 We are back on the video record. 13:28:05

6 BY MR. SCHWARTZ: 13:28:08

7 Q. Good afternoon, Mr. Unsworth. A few days 13:28:09

8 after the cave rescue, CNN interviewed you about 13:28:12

9 the rescue, right? 13:28:12

10 A. Yes. 13:28:15

11 Q. And tell me how that interview came 13:28:15

12 about? This was, I think the rescue was ended on 13:28:18

13 July 10th. The interview was on the 13th. 13:28:22

14 How did this July 13, 2018, CNN interview 13:28:25

15 come about? 13:28:28

16 A. CNN contacted myself via my partner Tik, 13:28:29

17 and the interview was arranged. 13:28:33

18 Q. Before you sat down for the interview -- 13:28:42

19 well, actually, how many days went by -- or how 13:28:44

20 much time went by when CNN asked to interview you 13:28:48

21 and you sat down on July 13th for the interview? 13:28:53

22 A. I can't recall. 13:28:58

23 Q. Was it several days? Was it after the 13:28:59

24 cave rescue? 13:29:04

25 A. It was after the cave rescue, so it can't 13:29:05

1 be too many days if we're talking the 10th. It 13:29:07
2 happened on the 13th, so there can't be much 13:29:10
3 difference in the time for the request to the 13:29:14
4 actual interview taking place. 13:29:17
5 Q. Before CNN interviewed you, did you know 13:29:20
6 that the interview was going to be videotaped? 13:29:23
7 A. No. 13:29:27
8 Q. Was the entirety of the July 13 interview 13:29:29
9 with CNN recorded, or just parts of it? 13:29:34
10 A. So far as I recall, the whole lot was 13:29:38
11 recorded. That is what I recall; that is what I 13:29:42
12 can say as I sit here today. 13:29:45
13 Q. Were you all excited about the fact that 13:29:47
14 CNN wanted to interview you about the cave rescue? 13:29:49
15 A. No. 13:29:53
16 Q. Were you nervous at all about the CNN 13:29:53
17 interview? 13:29:55
18 A. No. 13:29:56
19 Q. Did you have an agent or a publicist at 13:29:56
20 that point? 13:29:59
21 A. No. 13:30:00
22 Q. Do you have one now? 13:30:00
23 A. No. 13:30:03
24 Q. Did you speak to anyone -- well, I'll 13:30:04
25 back up again. 13:30:06

1 How did you know where and when to be for 13:30:07
2 the CNN interview? 13:30:09
3 A. That was arraigned through Tik, my 13:30:11
4 partner. So they arranged to meet at a specific 13:30:12
5 place, which was in Wai Krai, which was at the 13:30:18
6 Amazon coffee shop. 13:30:19
7 Q. Did you have any -- you personally have 13:30:21
8 any conversations or other communications with 13:30:22
9 anyone at CNN before you showed up on July 13 for 13:30:26
10 the interview? 13:30:30
11 A. Not that I recall. 13:30:32
12 Q. Did anyone from CNN -- well, withdraw the 13:30:36
13 question. 13:30:38
14 Tell me what the CNN person or persons 13:30:39
15 told Tik about wanting to interview you. In other 13:30:43
16 words, what did she relay to you that they had told 13:30:47
17 her? 13:30:50
18 A. So far as I can recall, Tik just advised 13:30:51
19 or told me or asked me that CNN wanted to do an 13:30:53
20 interview, would I be happy to do the interview, 13:30:57
21 and that was arranged. 13:30:58
22 Q. And you can just take me back to this 13:31:02
23 point. Is she just standing there on her phone 13:31:04
24 talking to CNN and telling you what she is hearing, 13:31:07
25 or did she have a conversation, end the call, and 13:31:10

1 report it to you? 13:31:12

2 A. As I sit here today, I can't recall 13:31:14

3 exactly what happened; whether she made contact 13:31:16

4 with me later. I can't recall. 13:31:19

5 Q. Either way, at some point you told her 13:31:22

6 that she should tell CNN that you were willing to 13:31:24

7 participate in the interview; is that right? 13:31:27

8 A. Yes. 13:31:29

9 Q. And you said that she asked you or she 13:31:30

10 said -- I don't know if these were her words or she 13:31:34

11 is repeating CNN, whether you'd be happy to do an 13:31:37

12 interview with CNN. 13:31:40

13 Is that something that she said or CNN 13:31:40

14 said? 13:31:43

15 A. She relayed to me whether I would be 13:31:45

16 happy to do an interview with CNN. 13:31:47

17 Q. And did you tell Tik that you would, in 13:31:49

18 fact, be happy to do with an interview CNN? 13:31:52

19 A. I answered that before. 13:31:57

20 Q. I just -- okay. 13:31:59

21 Before the July 13 interview with CNN, 13:32:00

22 did you know whether CNN was going to ask you 13:32:02

23 anything about Mr. Musk? 13:32:06

24 A. No. 13:32:09

25 Q. At the location where CNN interviewed you 13:32:10

1 about the cave rescue on July 13th, was CNN 13:32:13
2 interviewing other people? 13:32:15
3 A. Not that I know of. 13:32:18
4 Q. So as far as you know, you were the only 13:32:20
5 person CNN was interviewing at that on location 13:32:22
6 about the cave rescue? 13:32:24
7 A. Yes. 13:32:28
8 Q. So let's now move forward in time. You 13:32:29
9 arrive at the CNN interview. Did they put any 13:32:32
10 makeup on you? 13:32:36
11 A. No. 13:32:38
12 Q. Did they ask you to sit in an area until 13:32:41
13 they were ready for you to come and sit with the 13:32:43
14 interviewer? 13:32:46
15 A. They just made arrangements for me to sit 13:32:47
16 where the interview was going to be taking place. 13:32:49
17 Q. And after the interview was over, did CNN 13:32:54
18 give you a copy of it, like in a written form or 13:32:56
19 video? 13:32:59
20 A. Nope. 13:33:00
21 Q. So what I want to do -- and we can do 13:33:01
22 this many different ways. I want to play for you 13:33:08
23 the clip from CNN where you spoke. And so we have 13:33:11
24 it on a laptop here. And what I would like to have 13:33:16
25 happen here is I want to turn it around so you can 13:33:20

1 see it while we play it. 13:33:22

2 MR. SCHWARTZ: So is that -- can we 13:33:24

3 disconnect that? Then hand it to me. Hopefully he 13:33:25

4 will just hit the play button there? 13:33:33

5 And what we will do is we have this flash 13:33:36

6 drive, and we'll give it to the court reporter so 13:33:40

7 she can keep it in the transcript so it will be 13:33:42

8 part of the record. And I'm getting a thumbs-up 13:33:44

9 sign from Counsel. 13:33:48

10 All right. So I am going to play -- 13:33:49

11 hopefully this will go. This is not loud enough. 13:33:49

12 Maybe it is; maybe it isn't. Let's stop for a 13:33:49

13 second. Why is this -- all right. So how do we 13:33:49

14 make this louder? That is as loud as it goes? 13:33:49

15 THE WITNESS: I can hear it. 13:33:49

16 MR. SCHWARTZ: Can you hear it okay? 13:33:49

17 THE WITNESS: Yeah. 13:34:32

18 MR. SCHWARTZ: Good. And I guess a good 13:34:32

19 aspect of it is, it does appear that CNN is there 13:34:32

20 is putting closed captions or something on it. 13:34:36

21 MR. WOOD: Yeah. 13:34:39

22 MR. SCHWARTZ: All right. Let's all be 13:34:39

23 as quiet as we can so we can hear it, and here we 13:34:41

24 go. 13:34:45

25 (Video playing). 13:34:47

1 BY MR. SCHWARTZ: 13:35:40

2 Q. I don't why CNN -- I want to show you 13:35:41

3 both of them. So why don't you just come around if 13:35:43

4 you can? 13:35:47

5 MR. WOOD: So 14 is the one you just 13:35:48

6 played? 13:35:48

7 MR. SCHWARTZ: 13. 13:35:48

8 MR. WOOD: So now you're going to do 14? 13:35:48

9 MR. SCHWARTZ: No, that was 13, and now 13:35:48

10 what we will do is 14. It's -- you'll see it. I 13:35:57

11 don't know why CNN did it that way. 13:36:00

12 MR. WOOD: If we understood why CNN does 13:36:02

13 what CNN does, we would all be very, very wealthy. 13:36:04

14 (Exhibit 13 was marked for 13:36:16

15 identification.) 13:36:16

16 (Exhibit 14 was marked for 13:36:18

17 identification.) 13:36:18

18 MR. SCHWARTZ: So now this will be 14. 13:36:18

19 Let's take a look. 13:36:19

20 (Video playing.) 13:37:06

21 BY MR. SCHWARTZ: 13:37:14

22 Q. And then -- okay. So let's go through 13:37:17

23 that a little bit. 13:37:22

24 You remember giving -- sitting for that 13:37:23

25 interview a year ago July? 13:37:25

1 A. Yes. 13:37:27

2 Q. The first statement you see from the 13:37:28

3 reporter from CNN in that clip is "We just talked 13:37:31

4 about this before. What are your thoughts on 13:37:34

5 Elon Musk's idea," correct? 13:37:40

6 A. That is what was stated on the video, 13:37:44

7 yes. 13:37:47

8 Q. Correct. That is the reporter asking 13:37:47

9 that to you, correct? 13:37:49

10 A. Yes. 13:37:50

11 Q. I am focusing on the portion of the 13:37:52

12 reporter's question that says "We just talked about 13:37:55

13 this before." 13:37:57

14 What had you and the CNN reporter just 13:37:58

15 talked about? 13:38:00

16 A. Sitting here now, I can't recall what was 13:38:03

17 talked about. 13:38:05

18 Q. Do you recall anything you and the CNN 13:38:07

19 reporter talked about that she is referring to when 13:38:09

20 she says "We just talked about this before. What 13:38:13

21 are your thoughts on Elon Musk's idea"? 13:38:17

22 A. No. 13:38:22

23 Q. Well, sometimes reporters will have 13:38:22

24 conversations with their subjects, they'll talk 13:38:24

25 about something, and then they'll decide to put it 13:38:26

1 on tape. 13:38:29
2 And for whatever reason, maybe human 13:38:31
3 nature being what it is, when the tape rolls, they 13:38:35
4 say "We just talked about this," and then they ask 13:38:37
5 the question. 13:38:40
6 Is that what happened? In other words, 13:38:41
7 right before the tape, the camera turned on, the 13:38:42
8 reporter from CNN and you had been talking about 13:38:46
9 Elon Musk's idea? 13:38:51
10 MR. WOOD: Objection as to form. 13:38:54
11 THE WITNESS: So far as I recall, there 13:38:56
12 was no break in the interview. So I can't -- I 13:38:58
13 don't recall what was talked about before the 13:39:03
14 comment was made there. 13:39:07
15 BY MR. SCHWARTZ: 13:39:08
16 Q. So are you saying -- well, clearly, the 13:39:09
17 reporter is -- I'm sorry. I did not want to 13:39:11
18 interrupt you. 13:39:13
19 A. I have just confirmed that I don't recall 13:39:14
20 what was talked about before that part of the 13:39:17
21 interview. 13:39:20
22 Q. But there was a conversation, was there 13:39:21
23 not? 13:39:23
24 A. If there was a conversation, I cannot 13:39:25
25 recall what the conversation was about. 13:39:27

1 MR. WOOD: He is asking about that one, 15:40:21
2 and this one is going to stay here. Did you -- did 15:40:27
3 he get No. 20? 15:40:32
4 MR. SCHWARTZ: That's the one right here. 15:40:32
5 MR. WOOD: He's asking you to look at 19 15:40:32
6 and 20. It's inside that. 15:40:34
7 THE WITNESS: I prefer the big writing. 15:40:40
8 MR. WOOD: Oh, yeah. So do I. 15:40:42
9 BY MR. SCHWARTZ: 15:40:52
10 Q. So now we have the three tweets that he 15:40:53
11 sent on Exhibit 19, and the fourth tweet of the day 15:40:58
12 on Exhibit 20. 15:41:05
13 Have you read them? 15:41:06
14 A. Yes. 15:41:07
15 Q. Taking all these tweets together from 15:41:11
16 that day, tell me everything that is false and 15:41:14
17 harmful to you about them. 15:41:16
18 MR. WOOD: I'm going to object to the 15:41:19
19 form of the question because it is compound. Maybe 15:41:20
20 if you broke it down, like what is false, and then 15:41:23
21 we can talk about that. 15:41:25
22 BY MR. SCHWARTZ: 15:41:26
23 Q. Fair enough. Tell me everything that is 15:41:27
24 false. 15:41:27
25 A. Okay. We take the first tweet regarding 15:41:29

1 the water level was actually very low and still not 15:41:32
2 flowing. The "not flowing" part of that is totally 15:41:36
3 100 percent wrong. 15:41:43
4 Q. And I apologize -- 15:41:45
5 A. No. Excuse me. 15:41:47
6 Q. No, I'll explain. I asked you the wrong 15:41:47
7 question. I need to withdraw the question. 15:41:49
8 So what I want to ask you is: Tell me 15:41:51
9 everything about these tweets, about you, 15:41:55
10 Vernon Unsworth, that is false? 15:41:58
11 A. About me? 15:42:05
12 Q. Yes. That concerns you, is about you, 15:42:07
13 that is false. 15:42:09
14 A. There is nothing in this first tweet that 15:42:21
15 is about me. 15:42:24
16 MR. WOOD: The first tweet is this one. 15:42:26
17 THE WITNESS: I don't understand. Sorry. 15:42:29
18 BY MR. SCHWARTZ: 15:42:30
19 Q. I'm sorry. Let me withdraw the question 15:42:31
20 again. I didn't want to ask if I -- my question 15:42:31
21 was about the first tweet. I misspoke. I 15:42:34
22 apologize. 15:42:37
23 Tell me everything about you in these 15:42:37
24 four tweets that is false. Could be in any one of 15:42:40
25 four of them that is either about you, concerning 15:42:46

1 you, of you, in reference to you in any way? 15:42:49

2 MR. WOOD: Or if the stain or the gist is 15:42:54

3 about him. 15:42:57

4 MR. SCHWARTZ: Exactly. 15:42:58

5 MR. WOOD: I'm not sure he understands 15:42:58

6 that. And I think we set this out pretty clearly 15:43:00

7 in our complaint. 15:43:03

8 MR. SCHWARTZ: All right. Let's try it 15:43:04

9 that way. see what happens, and if we need to ask a 15:43:07

10 different question, we will. 15:43:10

11 MR. WOOD: Yeah. I just think you're 15:43:11

12 moving into an area where -- 15:43:11

13 MR. SCHWARTZ: I understand. Let's see 15:43:14

14 what we can do. 15:43:14

15 MR. WOOD: -- it's difficult for a lay 15:43:14

16 witness to understand exactly what you are asking. 15:43:15

17 BY MR. SCHWARTZ 15:43:16

18 Q. Well, how about if I do it this way -- 15:43:19

19 A. Well, if you look at the first tweet. 15:43:20

20 Q. Sorry. Go ahead. 15:43:22

21 A. I never saw this British expat guy who 15:43:23

22 lives in Thailand (SUS) at any point in the caves. 15:43:25

23 I've given you the answer to that. 15:43:28

24 Q. Can you just repeat. I'm not sure what 15:43:32

25 you are referring to when you say that. 15:43:33

1 A. I mentioned, and my answer was, the 15:43:36
2 reason he didn't see me was because it was the 15:43:38
3 early hours of the morning of the -- 15:43:42
4 Q. Ah. 15:43:44
5 A. -- 10th of July -- 15:43:44
6 Q. Okay. 15:43:44
7 A. -- and quite rightly I was trying to get 15:43:44
8 some well-earned sleep after finishing day two of 15:43:49
9 the rescue. 15:43:52
10 So that's the reason why he never saw me. 15:43:54
11 With regards "SUS," I regard that as "suspect." I 15:43:57
12 don't know what he was really -- or why he was 15:44:02
13 really referring to that -- obviously because I 15:44:04
14 live in -- part of the year in Thailand. 15:44:07
15 There is nothing in here, in the second 15:44:11
16 tweet, the water level that's actually about me. 15:44:13
17 There is nothing there that I can see relative to 15:44:16
18 me as an individual, because all he says "If not 15:44:22
19 true, then I challenged him to show the final 15:44:26
20 rescue video." 15:44:29
21 Well, that's not necessarily about me 15:44:30
22 personally, nothing harmful about that particular 15:44:33
23 tweet, okay? 15:44:37
24 And then the part that is harmful to me 15:44:37
25 is "Sorry, pedo guy." 15:44:37

1 Q. Again, I just -- counsel asked that I 15:44:58
2 focus your attention on what is false, and that may 15:45:01
3 be false too. You used the word "harmful." 15:45:03
4 A. It is false. 15:45:06
5 Q. I understand, but you used the word 15:45:06
6 "harmful." I just want to make sure we're focusing 15:45:07
7 at this -- in this question is: Is there anything 15:45:09
8 in here about you that is false. And your answer 15:45:12
9 may be the same. 15:45:15
10 I just didn't want you to have answered a 15:45:17
11 different question. We're focusing on falsity -- 15:45:20
12 A. I think we're clear on the part of being 15:45:22
13 false, not harmful; is that correct? 15:45:24
14 Q. Tell you what. 15:45:31
15 MR. WOOD: Why don't you just tell him -- 15:45:31
16 THE WITNESS: There is nothing there -- 15:45:31
17 there is nothing there -- 15:45:31
18 MR. SCHWARTZ: I'm sorry. Only one 15:45:35
19 person can talk at a time. 15:45:36
20 MR. WOOD: First he's asking you is there 15:45:37
21 anything -- and now you're looking at the last 15:45:37
22 tweet, Vernon, first -- and it may be the same 15:45:40
23 thing -- what is false in this tweet? 15:45:44
24 And I am talking about one at the bottom 15:45:47
25 of 814, and that's Exhibit 18. That's the one he's 15:45:49

1 asking you about. 15:45:53

2 MR. SCHWARTZ: Exhibit 19. 15:45:53

3 MR. WOOD: I'm sorry. 19. 15:45:55

4 THE WITNESS: False about me? 15:45:56

5 BY MR. SCHWARTZ: 15:45:58

6 Q. Yes. 15:46:01

7 A. There is nothing -- there is nothing in 15:46:01

8 there that is effectively false about me, other 15:46:02

9 than the comment "Sorry, pedo guy." 15:46:04

10 Q. And then the question that prompted all 15:46:08

11 this was: Taking all four of these tweets 15:46:11

12 together, is there anything false in them about 15:46:14

13 you, that concerns you, or attenuated to. I just 15:46:18

14 want to make sure you've told me everything. You 15:46:22

15 haven't said anything about the last tweet, and I 15:46:23

16 want to make sure you do that. 15:46:26

17 A. I was going to go on to that. 15:46:29

18 Q. Okay. 15:46:29

19 A. But there's the two things, but you 15:46:29

20 didn't let me finish with the fourth tweet. So we 15:46:30

21 got "Sorry, pedo guy," and then "Bet ya a signed 15:46:34

22 dollar that it's true." So that's harmful. 15:46:36

23 Q. You're answering harmful; we're focusing 15:46:42

24 on falsity. 15:46:46

25 A. Not false. 15:46:47

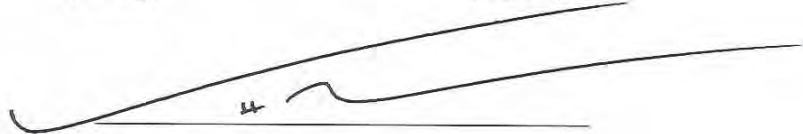
1 Q. When you say "not false," what do you 15:46:48
2 mean? 15:46:50
3 A. I am saying it's -- sorry. It's false. 15:46:51
4 Q. What's false? 15:46:54
5 A. So "Bet you a signed dollar it's true" is 15:46:55
6 false. I'm not a pedo. 15:46:58
7 Q. Ah, okay. So is it correct, you are 15:47:01
8 assuming that the statement "Bet ya a signed dollar 15:47:04
9 it's true," that "it's" is a reference to pedo guy? 15:47:09
10 A. Yes. 15:47:13
11 Q. Okay. So -- 15:47:13
12 MR. WOOD: Do you have -- I'm just asking 15:47:13
13 for purposes of clarity and context. Do you have 15:47:15
14 the tweet that Mr. Musk was responding to when he 15:47:19
15 made that statement about "Bet ya a signed dollar 15:47:22
16 it's true"? 15:47:23
17 MR. SCHWARTZ: I don't. 15:47:25
18 MR. WOOD: I think that would help 15:47:25
19 everybody to clearly understand what he was 15:47:26
20 referring to. 15:47:28
21 BY MR. SCHWARTZ: 15:47:32
22 Q. All right. So let's take it from the top 15:47:33
23 again. Now I want to ask about harm because of 15:47:33
24 what your lawyer said. Let's do harm -- falsity 15:47:36
25 separate from harm. 15:47:38

1 So looking at the four tweets of 15:47:39
2 July 15, 2018, on Exhibits 19 and 20, is there 15:47:42
3 anything in there about you that is harmful to you? 15:47:49
4 A. Yes. In the first tweet the S-U-S, SUS, 15:47:55
5 suspect, "Sorry, pedo guy," and "Bet ya a signed 15:47:59
6 dollar it's true." All three harmful. 15:48:06
7 Q. Had you heard the term "Bet ya a signed 15:48:52
8 dollar," "Bet ya a signed quid it's true" before 15:48:54
9 you saw the July 15 tweet that used that term? 15:48:59
10 A. No. 15:49:04
11 Q. Did it have any meaning to you when you 15:49:06
12 saw it? 15:49:09
13 A. To me it referred to the fact that he 15:49:11
14 referred to me as "pedo guy." 15:49:13
15 Q. And before July 15, 2018, had you ever 15:49:20
16 heard the words, or word or expression, "pedo guy," 15:49:25
17 P-E-D-O guy? 15:49:30
18 A. No. 15:49:35
19 Q. Do you know whether Mr. Musk deleted the 15:49:59
20 July 15 tweets on Exhibits 19 and 20? 15:50:03
21 A. I believe there was reference to the fact 15:50:13
22 that he had deleted them. I believe there is 15:50:15
23 reference, but that's all I know. 15:50:17
24 Q. When did you learn that Mr. Musk had 15:50:23
25 deleted the July 15 tweets? 15:50:29

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I, VERNON UNSWORTH, do hereby declare under the
penalty of perjury that I have read the foregoing
transcript; that I have made any corrections as
appear noted, in ink, initialed by me, or attached
hereto; that my testimony as contained herein, as
corrected, is true and correct.

EXECUTED this 16th day of SEPTEMBER
2019, at London, _____.
(City) (State)

A handwritten signature in black ink, appearing to read "Vernon Unsworth", written over a horizontal line.

VERNON UNSWORTH

EXHIBIT 4

EXHIBIT 4

1
2 UNITED STATES DISTRICT COURT
3 CENTRAL DISTRICT OF CALIFORNIA
4
5

6 -----)
7)
8)
9 VERNON UNSWORTH,)
10)
11)
12 Plaintiff)
13)
14 vs.) Case No. 2:18-cv-08048
15)
16)
17 ELON MUSK,)
18)
19)
20 Defendant)
21 -----)
22)
23)
24)
25)

26 Videotape Deposition of VANESSA JULIET UNSWORTH

27
28 On Tuesday, 27th August 2019
29

30 Taken at the offices of:

31
32 Howard Kennedy LLP
33 1 London Bridge
34 London SE1 9BG
35 United Kingdom

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LONDON, ENGLAND
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UNSWORTH - WILSON

A. Portugal was summer holidays. We also sort of looked after a villa for a friend of ours who when he was not there, we used to go over and just check that it was okay, so we used to go to Portugal a lot.

Q. Was it just ----

A. Just family time.

Q. Family time?

A. Yes, family holidays.

Q. From the time you met Vernon in 1987 to the time of your separation in 2013, did Vernon ever travel abroad without you?

A. From 2011.

Q. From 2011?

A. Yes.

Q. Where did Vern go in 2011?

A. He went to Thailand.

Q. To your knowledge, was that his first visit to Thailand?

A. Yes. Yes, it was.

Q. Do you know what Vernon was doing in Thailand in 2011?

A. No. I think he had gone over there -- I know that he was plotting the caves.

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UNSWORTH - WILSON

well. Yes, it has impacted. It makes you think. It makes you very uncomfortable at work. It impacts everything to do with your life, basically. You know, your life just lives this event. The more people talked about it, the more people contacted you, the more you had to think about it more. Yes, it caused many sleepless nights. It made me very upset. It made me un -- I did not go out as much as I would have normally. It has a really detrimental effect on your own mental health and your self esteem.

BY MR. WILSON:

Q. Thank you for that. Earlier in the deposition you mentioned the accusations as being Mr. Musk accused Vernon of being a paedophile, a child rapist and taking a 12-year-old child bride?

A. Hmm.

Q. To your knowledge, are each of those accusations false?

A. Totally false.

Q. Thank you for talking with me this morning. We are going to let Mr. Spiro ask you some questions.

A. Thank you.

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EXHIBIT 5

EXHIBIT 5

1
2 UNITED STATES DISTRICT COURT
3 CENTRAL DISTRICT OF CALIFORNIA
4
5

6 -----)
7)
8)
9 VERNON UNSWORTH,)
10 Plaintiff)
11 vs.) Case No. 2:18-cv-08048
12)
13 ELON MUSK,)
14 Defendant)
15 -----)

16 Videotape Deposition of WORANAN RATRAWIPHAKKUN
17

18 On Wednesday, 28th August 2019
19

20 Taken at the offices of:
21

22 Howard Kennedy LLP
23 1 London Bridge
24 London SE1 9BG
25 United Kingdom

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1 RATRAWIPHAKKUN - WILSON

2 Q. Okay, thank you. Tik, can you tell
3 me where you were born?

4 A. Chiang Rai Province, Mae Sai
5 District.

6 Q. Where do you live now?

7 A. In Huai Krai Subdistrict.

8 Q. Could you spell that for the
9 record, please?

10 THE WITNESS: H-U-A-I K-R-A-I.

11 Q. H-U-A-I K-R-A-I, Huai Krai.

12 A. Yes.

13 Q. When were you born?

14 A. 18th of May 1978.

15 Q. 18th of May 1978?

16 THE WITNESS: No.

17 THE INTERPRETER: Sorry, November.

18 BY MR. WILSON:

19 Q. Tik, you brought with you a few
20 documents today; right?

21 A. Yes.

22 Q. If the reporter would please mark
23 this Exhibit 52.

24 **(Exhibit 52 marked for identification)**

25 Q. Do you recognise this document?

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1 RATRAWIPHAKKUN - WILSON

2 A. Daughter.

3 Q. How old is she?

4 THE WITNESS: Now she 15.

5 Q. And how old are you?

6 THE WITNESS: 40.

7 Q. Do you have a relationship to any
8 of the parties in this case?

9 A. Do you mean Vernon?

10 Q. Vernon, yes. You have a
11 relationship with Vernon?

12 THE WITNESS: Yes.

13 Q. Do you refer to him as Vernon or
14 Vern?

15 THE WITNESS: I call him Vern.

16 Q. Vern?

17 THE INTERPRETER: Vern.

18 BY MR. WILSON:

19 Q. How did you meet Vern?

20 THE WITNESS: We meet in London.

21 Q. When was that?

22 THE WITNESS: February 2011.

23 Q. How did you meet him?

24 THE WITNESS: We just meet by accident
25 like in coffee shop.

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1 RATRAWIPHAKKUN - WILSON

2 Q. What were you doing in London?

3 THE WITNESS: I just go out to travelling

4 ----

5 A. (Through interpreter) I just came
6 here to visit.

7 Q. You were just travelling in London?

8 A. Yes.

9 Q. Did you ever begin -- strike that.
10 How would you describe your relationship with
11 Vern?

12 A. You mean since we met?

13 Q. Yes.

14 THE WITNESS: He come to see me in the
15 coffee shop and ask me to join coffee. So we go
16 talking. We good friends.

17 A. (Through the interpreter) So we
18 became friends.

19 THE WITNESS: Vern take care of me, see
20 London. He take me go out to see some things. He
21 want to see Thailand with me.

22 Q. Are you in a romantic relationship
23 with Vern?

24 A. Yes.

25 Q. When did the romantic part of your

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1 RATRAWIPHAKKUN - WILSON

2 relationship begin?

3 A. About April. In April 2011.

4 Q. And I believe you just testified
5 that he wanted -- Vern wanted to come see Thailand
6 with you?

7 A. Yes.

8 Q. Did you invite him to Thailand?

9 A. Yes, I did, and I wanted him to
10 come and spend some times here in Thailand first
11 and then we will see if he can stay.

12 Q. When was the first time that Vern
13 visited with you in Thailand?

14 A. July 2011.

15 Q. To your knowledge, had Vern ever
16 been to Thailand before July 2011?

17 A. No, he had never been out of
18 England at that time. The first time he went to
19 Thailand.

20 Q. How long did Vern spend in Thailand
21 in 2011?

22 A. He initially got the 60-day visa to
23 visit Thailand and then later on he extended his
24 visa in Myanmar to come back to spend another 30
25 days. Initially, he got a 60-day visa to stay in

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RATRAWIPHAKKUN - WILSON

him.

Q. When Vern is in Thailand, where
does he stay?

A. My house.

Q. Where is your house?

A. House number 99 M1.

THE WITNESS: M3.

THE INTERPRETER: M3, sorry, Huai Krai,
Mae Sai, Chiang Rai.

BY MR. WILSON:

Q. Do you and Vern travel together
outside of Huai Krai?

A. Yes, we mostly, you know, stay
together and go places together.

Q. To your knowledge, does Vern travel
around Thailand without you?

THE WITNESS: No.

Q. You recall the cave rescue about a
year ago?

A. Hmm.

THE INTERPRETER: About two years.

Q. How did you become involved in the
cave rescue?

A. (Through the interpreter) Like

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1 RATRAWIPHAKKUN - WILSON

2 A. Yes. It is meant that my husband
3 was homosexual.

4 Q. To your knowledge, is there any
5 truth that Vern is a paedophile?

6 A. No, there is no fact, nothing about
7 that.

8 Q. To your knowledge, is there any
9 truth to the statement that Vern is a child
10 rapist?

11 A. No, it is not true.

12 Q. To your knowledge, has Vern ever
13 married a child bride?

14 A. No. If that child you mean was me,
15 I am not a child. I am 40 years old.

16 Q. Accusations of these kind,
17 paedophilia, child rape, marrying a child bride,
18 are they the types of statements that would tend
19 to cause people in Thailand to shun Vern?

20 MR. SPIRO: Objection - form,
21 relevance.

22 A. Yes, it affect not just for Thai
23 people. If he posted on Twister, 30, 40 million
24 people follow him, and some people, you know, who
25 read this from social media as well. People,

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1 RATRAWIPHAKKUN - WILSON

2 of the governor of the province. If Elon Musk
3 accepted these comments, which are true, and if he
4 stopped at that point, it should not have anything
5 else, but when he accuse of someone being a
6 paedophile, it is causing a difficulty in our
7 lives.

8 BY MR. WILSON:

9 Q. Just one more question for you. To
10 your knowledge, has Vern ever visited any area in
11 Thailand known for sex trafficking?

12 A. No. He normally travel with me.
13 Once he did not go with me when he went to the
14 cave in Nan province with Rob. He went one time
15 with Rob one year before the rescue and one year
16 after the rescue, and then one trip that he went
17 to Laos for his passport. He went to Laos twice.
18 The first trip we went together, but the second
19 trip I did not go, because at the time we wanted
20 to save some cost. That is the trip when, you
21 know, he went alone, but apart from that he always
22 go, you know, everywhere with me.

23 Q. So, to your knowledge, there has
24 only been two instances when Vern has travelled
25 without you within Thailand: once with Rob Harper

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1 RATTRAWIPHAKKUN - SPIRO
2 to see another cave in Thailand and once to try to
3 extend his visa?

4 A. That is right.

5 MR. WILSON: Thank you. Mr. Spiro
6 has some questions for you.

7 **QUESTIONS BY MR. SPIRO**

8 BY MR. SPIRO:

9 Q. Hi, good morning, how are you?
10 I am going to ask you some questions. You can
11 follow in English, obviously. You speak some
12 English; right?

13 THE WITNESS: Yes.

14 Q. Can you read English?

15 THE WITNESS: Little bit.

16 THE INTERPRETER: A little bit.

17 BY MR. SPIRO:

18 Q. Like a book, a magazine, a
19 newspaper?

20 THE WITNESS: (Witness nods).

21 Q. You can read? That is a yes?

22 THE WITNESS: Yes.

23 Q. You were asked some questions about
24 Exhibit 53, which was that article. Did you have
25 an opportunity to review that before you testified

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EXHIBIT 6

EXHIBIT 6



Deposition of:
Samuel Teller

September 30, 2019

In the Matter of:
Unsworth, Vernon v. Musk, Elon

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Unsworth, Vernon v. Musk, Elon

Page 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,

Plaintiff,

vs.

ELON MUSK,

Defendant.

No. 2:18-cv-08048-SVW (JC)

VIDEOTAPED DEPOSITION OF SAMUEL W. TELLER

Los Angeles, California

Monday, September 30, 2019

Volume I

Reported by:

NADIA NEWHART

CSR No. 8714

1 A SpaceX and Tesla.

2 Q Not the Boring Company?

3 THE REPORTER: "Not the" what company?

4 MR. WOOD: Boring, B-o-r-i-n-g.

5 THE WITNESS: It's a little tech- -- no,
6 my sal- -- my salary came from SpaceX and Tesla,
7 although I did work for the Boring Company. So I
8 was -- I'd say I was a de facto employee of the
9 Boring Company, but maybe not in a technical sense.
10 BY MR. WOOD:

11 Q Right. Technical -- they don't -- they don't
12 sign your paycheck, but you did work for Boring too?

13 A That is correct.

14 Q And do you work for Mr. Musk in any capacity
15 other than your job with SpaceX, Tesla and whatever
16 you do for Boring Company?

17 A I'm employed by SpaceX and Tesla, but I
18 worked for Mr. Musk in kind of a general capacity in
19 ways that weren't always strictly encompassed by the
20 business of those companies.

21 Q I think I'm correct that it was Mr. Musk that
22 described you as basically his chief of staff?

23 A Is that a question?

24 Q Yes.

25 A Oh, yeah, yeah. That's correct.

1 Q You would agree --

2 A Yeah.

3 Q -- that in your capacity knowing that you
4 were working, as you've told me for SpaceX, Tesla
5 and Boring Company, you were serving as Mr. Musk's
6 chief of staff, true?

7 A That's correct.

8 Q How long did you serve him in that capacity?

9 A A little under five years.

10 Q Starting when?

11 A August 2014.

12 Q And August 2014, was that your first
13 employment for Mr. Musk in connection with either
14 SpaceX, Tesla or Boring Company?

15 A Yes.

16 Q I know you had a startup. What was -- tell
17 me about the name of that company.

18 A I've been involved in a few companies before
19 then, so I'm not sure what you're referring to, but
20 I'm happy to walk you through my career or -- yeah.

21 Q I don't want to have to take up much time --

22 A Happy to.

23 Q -- but it probably would be helpful. Let me
24 ask you, did -- did you graduate from college?

25 A I did.

1 A Not exactly.

2 Q Who would be the person that you would say
3 was the most responsible for Mr. Musk's public
4 relations efforts?

5 A I -- well, I was the person who was probably
6 most responsible, but I was not the only one who had
7 significant responsibility.

8 Q Right. But the buck generally in an
9 organization has to stop somewhere?

10 A Yeah, we're not a normal organization.

11 Q Well, those are your words, not mine. But
12 whatever, normal or abnormal organization, when it
13 comes to PR matters during the five years you were
14 there --

15 A Sure.

16 Q -- other than Mr. Musk, the public relations
17 buck basically stops with you, true?

18 A As it relates to Mr. Musk, yes.

19 Q Each of the companies has their own public
20 relations?

21 A Correct.

22 Q And you would be involved in knowing about
23 their activities, true?

24 A Correct.

25 Q But you and you alone would be involved in

1 as of July the 10th a fair amount of negative press
2 about how public Mr. Musk had been his efforts to
3 help the children in Thailand?

4 A I'm -- I'm not -- I'm not trying to be
5 difficult. I just actually don't remember the
6 specific timeline of like what -- where July 10th
7 was in the sequence.

8 Q Let's do it this way.

9 A Yeah.

10 Q Would you admit or concede that prior to the
11 "pedo guy" Tweet, Exhibit 38 --

12 A Yeah.

13 Q -- that there had been a fair amount of
14 negative press about how public Elon Musk had been,
15 posting videos and other information on his Twitter
16 account, in terms of putting out there his efforts
17 to help the children? He had gotten a significant
18 amount of negative publicity for doing that, hadn't
19 he? Not -- excuse me, not for -- not for his
20 efforts to build the -- the tube, but for his
21 publicly talking about it so much.

22 A Yes. There was -- there was some public
23 criticism of him and our team for -- in the way that
24 you described, in addition to, I think, you know,
25 quite a bit of public praise for the kind of

1 Q You said you -- you thought the -- the act
2 of -- or conveying that it didn't mean pedophilia
3 might have been conveyed by deleting the Tweet and
4 apologizing, and I don't follow the logic. I'm just
5 trying to explore it.

6 A The -- if you say something that you don't
7 mean or that's misunderstood, you can clarify it or
8 you can delete it. It's -- those are two ways to
9 handle a situation like this.

10 Q Did Mr. Musk ever attempt to clarify what he
11 meant when he Tweeted "pedo guy," to your knowledge?

12 MR. SPIRO: Objection as to form.

13 THE WITNESS: When do you mean? Sorry.

14 BY MR. WOOD:

15 Q Anytime. Are you aware of Mr. Musk ever
16 attempting to clarify what he meant when he Tweeted
17 "pedo guy," that is, that he didn't mean pedophile?
18 Did he ever attempt to clarify that, to your
19 knowledge?

20 A I don't remember. I don't have a specific
21 memory.

22 Q The only thing you remember that suggests to
23 the contrary where you came up with this creepy old
24 man is from the last week or so --

25 A Yeah.

1 Q -- either social media or news coverage where
2 they were writing about Mr. Musk's declaration that
3 he filed in this case in support of his motion for
4 summary judgment, true?

5 A I believe so.

6 Q That would have been the first time you, as
7 his former chief of staff, had ever heard that there
8 was some meaning about creepy old guy to the use of
9 the pedo guy phrase by Mr. Musk other than
10 pedophile, true?

11 A Possibly, but I can't be certain. I don't
12 remember every --

13 Q We're here -- we're here -- we're here today
14 to do our best.

15 A Sure.

16 Q Do you have any recollection prior to the
17 publicity over Mr. Musk's declaration and motion for
18 summary judgment in the last couple of weeks --

19 A Uh-huh.

20 Q -- of Mr. Musk ever conveying to you or
21 anyone else, to your knowledge, that pedo guy -- the
22 reference to pedo guy meant creepy old man and not a
23 pedophile?

24 A I don't have a specific memory of that.

25 MR. WOOD: All right. Why don't we take a

1 break. We've been going for a while.

2 THE VIDEOGRAPHER: We're going off the record
3 at 10:45 a.m. This is the end of media one.

4 (Recess.)

5 THE VIDEOGRAPHER: We're on the record at
6 10:59 a.m. This is the beginning of media two in
7 the deposition of Samuel Teller.

8 THE WITNESS: Sorry. Is this a --

9 BY MR. WOOD:

10 Q It's also a real -- it's also a -- a
11 streaming of your video to my office.

12 A Got it. Okay.

13 MR. WOOD: Back on the record.

14 Q Exhibit 78 is a true and correct copy of the
15 e-mail chain that we've earlier discussed, true?

16 A As far as I know.

17 Q Okay. You have no reason to doubt that it's
18 accurate?

19 A I have no reason to doubt that it's accurate.

20 Q Now, you have received, I'm sure, litigation
21 hold notices, true?

22 A Ever?

23 Q During the last year and a half of this
24 litigation that we went over in that list, you --
25 you have been made aware that you are under a

1 mouth. He was -- he was -- he was upset. He felt
2 like he had been attacked unfairly.

3 Q We will go through the articles before the
4 day is out, but this may be able to help short
5 circuit some of it.

6 Mr. -- before he Tweeted "pedo guy," the
7 truth is, Mr. Teller, that Elon Musk was very upset
8 about the media coverage criticizing his efforts
9 with the tube to assist the children in Thailand;
10 isn't that the truth?

11 A I believe he was unhappy with some of the
12 coverage.

13 Q He was unhappy with all of the coverage that
14 criticized his efforts with the tube, including the
15 coverage that was suggesting that it was a PR stunt.
16 You know that, don't you, sir?

17 A Certainly.

18 Q And that was before Mr. Unsworth ever said a
19 word to CNN. The coverage had already started
20 unrelated to Mr. Unsworth, true?

21 A Yeah.

22 Q Mr. -- from your five years as chief of staff
23 or close to five years, you were aware of how
24 sensitive Elon Musk is to criti- -- public
25 criticisms of himself, aren't you?

1 involving the Thai government, so it was just we
2 were de facto interacting with the government.

3 Q Through this entrepreneur?

4 A Through James and someone on his team whose,
5 name, I think, was Nuttapon and maybe -- maybe a few
6 others. We were also in touch with someone in the
7 American government.

8 Q I'm just trying to find out if you yourself,
9 based on your knowledge of the efforts -- and you --
10 you kept up with what was going on when they were
11 trying to build this tube, didn't you?

12 A Generally, yeah.

13 Q And Elon Musk was Tweeting almost daily about
14 it, true?

15 A Yeah.

16 Q With videos and pictures, right?

17 A Yes.

18 Q So much so that there was a question raised
19 in the communications team that he may be going
20 overboard in trying to publicly show what he was
21 doing, which might not look so good while others
22 were busy at work in Thailand trying to save the
23 kids.

24 Do you remember that problem?

25 A I was -- yeah. We were also at work trying

1 And we actually talked to -- we talked to the
2 gent- -- one of the gentlemen I mentioned earlier.
3 We talked to a couple members of the military. One
4 of them asked for a photo with Elon. And then after
5 a cer- -- after some period of time, Elon and I went
6 to -- with his security team, we went to a hotel to
7 sleep.

8 Q And what was the name of the hotel?

9 A I don't remember.

10 Q And how long did you stay at the hotel?

11 A I think it was maybe like five hours or six
12 hours or something. We -- we had to -- we were
13 leaving quite early the next morning, so we --

14 Q For Shang- -- Shanghai?

15 A For Shanghai, yes. Yeah, I believe. Yeah,
16 exactly. We went to Shanghai and then Beijing.

17 Q You went to Shanghai with Mr. Musk?

18 A I did.

19 Q So at the time you left the cave to go get
20 your five hours or so of sleep before you go to
21 Shanghai, what had you learned about the status of
22 the children that were trapped in the cave and that
23 had not been rescued, how many?

24 A Well, you -- you told me earlier it was five.

25 Q I -- I didn't tell you.

1 A That's not true.

2 Q I'm a good guy.

3 A That's not true.

4 Q Just -- I'm not trying to interrupt you. It
5 gets a little stilted at times because --

6 A Sure.

7 Q -- you break up your answers a little bit.

8 A Sure.

9 Q But -- but I'm with you. We're going to let
10 you get it all out.

11 A The -- I apologize for interrupting you.

12 Q That's okay.

13 A I don't remember what the question was,
14 sorry.

15 Q There had been --

16 A Oh --

17 Q Look, there's some negative publicity from
18 the BBC about the Thai rescue chief saying that the
19 sub was not practical, right?

20 A Yes.

21 Q And that's the subject of a -- what looks
22 like a fairly early morning e-mail from Mr. Musk
23 when he's in Shanghai after he gets a text from his
24 girlfriend. And then Steve Davis responds about it
25 to BBC blog, and he quotes from it. And he's

1 talking about the head of the rescue mission says
2 that he (as read):

3 "Acknowledges the help of Mr. Musk
4 and his team, but the equipment they
5 brought to help us is not practical
6 with our mission. Even though their
7 equipment is technologically
8 sophisticated, it doesn't fit with
9 our mission to go in the cave,"
10 okay?

11 Was this your effort to counter that
12 publicity by creating this statement or
13 forwarding -- referencing this statement to these
14 members of the media about the prime minister's
15 press briefing?

16 A Generally, yes.

17 Q Okay. You never made any efforts -- this --
18 I'm sorry. I may have asked this, but I didn't
19 check it off in the break.

20 You didn't make any efforts to do any due
21 diligence to check out James Howard or James
22 Howard-Higgins or Phoenix Security or whatever his
23 company's name was, did you?

24 A I did not.

25 Q You all had never heard of him before until

1 So I think this is totally accurate.

2 Q Did any of the SpaceX team members, when you
3 were there, ever try to meet with Rick Stanton? I
4 know I asked you about Mr. Musk. What about any of
5 the SpaceX people? Did they ever try to meet with
6 Mr. Stanton and go over the tube?

7 A You'd have to ask them. I don't know.

8 Q You were there. Did you see him do it?

9 A I was there briefly. So I didn't see anyone
10 after --

11 Q You were there with Mr. Musk, sir.

12 A I was there briefly with Mr. Musk. The rest
13 of our team -- some people were there before us.
14 Most of them stayed after us. So there was a lot of
15 time they could have asked to meet Mr. Stanton
16 without us being there to observe it.

17 Q The well written article that Mr. Musk is
18 referring to is the article that was referenced in
19 Exhibit 93, is it not?

20 A I -- I believe it is.

21 Q And Mr. Musk re-Tweeted that article's link,
22 did he not?

23 A I believe he did.

24 Q He wanted people to read it, true?

25 A I believe he did.

1 Q And he felt that it was helpful to his public
2 image with respect to having -- trying to recover
3 from having made the pedo guy accusation, true?

4 A I believe he thought it was helpful -- it
5 would be helpful in having the public understand the
6 truth.

7 Q And he thought that this article, upon
8 review, was the truth; is that what you're telling
9 me?

10 A Generally, I believe that represents Elon's
11 view, but again, you'd have to ask him.

12 Q Does it represent your view based on your
13 involvement and knowledge?

14 A I'd have to take five minutes to read it to
15 give you a yes or no.

16 Q Okay. Yeah. I mean, listen, if you want to
17 do that and need to, I'm happy to do that.

18 A Do you want me to? Okay.

19 MR. SPIRO: Tell him the good news?

20 MR. WOOD: What am I doing?

21 MR. SPIRO: You got your three days.

22 MR. GRUNBERG: Motion for was extension
23 granted.

24 MR. WOOD: Good. Good news. It still didn't
25 change the hearing though.

1 Q Hey, do you know what? Let me withdraw that
2 question because, you know -- because I don't want
3 to disrespect your right to read it, but I really
4 don't think it's entirely necessary --

5 A Okay.

6 Q -- for purposes of what I want to ask you
7 about.

8 This article, sir, that Mr. Musk thought
9 conveyed the truth, right?

10 A I believe that was his view, but I can't
11 speak for him.

12 Q But certainly an article that he wanted
13 hopefully to be reviewed and -- by a large number of
14 people and put on his Twitter, right?

15 A Yes.

16 Q Which at the time, would you agree, had a
17 little over 22 million followers?

18 A I don't remember, but that sounds right.

19 Q Yeah. And this article discusses the "pedo
20 guy" Tweet, does it not?

21 A I believe it does, yes.

22 Q Look at the page TESLA 01568.

23 Really, actually, 1567. Back to the black
24 mark (as read):

25 "Cave rescuer Elon Musk. It was a

1 e-mail" -- "I sent you an off the
2 record e-mail which clearly and
3 unambiguously said off the record."
4 Have I read that correctly?

5 A Yes.

6 Q And then he states (as read):

7 "If you want to publish off the
8 record comments and destroy your
9 journalistic credibility, that's up
10 to you."

11 Have I read that correctly?

12 A Yes.

13 Q He left it up to Mr. Mac whether to publish
14 it or not under the threat, as he saw it, that if he
15 did so, it would destroy Mr. Mac's journalistic
16 credibility, true?

17 A I mean, that was -- that was the gist of what
18 he said, yes, sir. But that was after --

19 Q That was before the publication.

20 A Before the publication, but it was after Mac
21 suggested that --

22 Q -- he was going to publish it?

23 A Yes.

24 Q Yeah. And he said it's up to you, right?

25 A Those -- those were his words.

EXHIBIT 7

EXHIBIT 7



Deposition of:
David Arnold

October 1, 2019

In the Matter of:
Unsworth, Vernon v. Musk, Elon

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Page 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,

Plaintiff,

vs.

ELON MUSK,

Defendant.

No. 2:18-cv-08048-SVW (JC)

VIDEOTAPED DEPOSITION OF DAVID ARNOLD

Los Angeles, California

Tuesday, October 1, 2019

Volume I

Reported by:

NADIA NEWHART

CSR No. 8714

1 Q Are you -- what is your age?

2 A 34.

3 Q What is your present employment?

4 A Currently unemployed.

5 Q And how long has that been your status?

6 A Since middle of June.

7 Q Of this year?

8 A Yes.

9 Q Where were you employed prior to the middle
10 of June of this year?

11 A Tesla.

12 Q Tesla?

13 A Yes.

14 Q Okay. And how long had you been employed at
15 Tesla --

16 A I started at --

17 Q -- prior --

18 A Sorry.

19 Q That's okay. -- prior to June of this year
20 when you left?

21 A I started at Tesla in January of 2017.

22 Q And where were you employed prior to Tesla?

23 A Virgin America.

24 Q How long at Virgin America?

25 A May 2015 up until January 2017.

1 Q Do you know Ben Wilson?

2 A Ben Wilson? I don't --

3 Q Ben -- I'm sorry. I misspoke. Long day.

4 Do you know Ben Smith?

5 A At BuzzFeed?

6 Q Yes.

7 A Yes.

8 Q How long have you known Mr. Smith?

9 A It goes back a few years. He worked in --
10 covered New York politics for a while when I was
11 involved in New York politics. So I -- I'd say
12 maybe ten years.

13 Q Do you find him to be a solid newsman?

14 A We've had a good relationship.

15 Q Do you believe he's a solid journalist?

16 A Yes.

17 Q Are you familiar with the phrase "off the
18 record"?

19 A Yes.

20 Q Are you familiar with the phrase "on
21 background"?

22 A Yes.

23 Q Are you familiar with the phrase "for
24 attribution"?

25 A Yes.

1 A Yes.

2 Q It talks about Tesla at length --

3 A Correct.

4 Q -- does it not?

5 It talks about SpaceX at length, does it not?

6 A Yes.

7 Q And then there are references to Boring
8 Company, true?

9 A I -- I believe so, yes.

10 Q So now you've kind of got wrapped up in one
11 bundle, Exhibit 63, an article which is critical of
12 Mr. Musk, right?

13 A Yes.

14 Q Critical of his Tesla public relations team,
15 yes?

16 A Yes.

17 Q Likewise, critical of his SpaceX
18 communications team, true?

19 A Yes.

20 Q I can't recall, as I sit here, but I'm kind
21 of guessing that whatever it said about Boring, it
22 was not favorable to Boring.

23 A I don't recall, but I think that's -- that's
24 fair.

25 Q So now you've got in one bundled article

1 criticisms of all the companies' PR and Mr. Musk
2 individually, right?

3 A Yes.

4 Q Given that acknowledgment, you would have
5 expected this article to be either reviewed by
6 Mr. Musk or for someone in his various
7 communications teams to have brought it to his
8 attention, true?

9 A True.

10 Q Thank you. When you said that you have a
11 breakdown between -- and I know it was an estimate
12 so I'm not trying to -- to play hard with you on
13 your testimony. You said somewhere in the
14 neighborhood of 70 to 80 percent of your
15 communications with Mr. Musk were by e-mail?

16 A Correct.

17 Q About 20 to 30 percent in person?

18 A Yes.

19 Q And then a minimal amount by text?

20 A Correct.

21 Q In your experience in dealing with Mr. Musk,
22 how, if any way, did you decide which method of
23 communication? And here's what I'm trying to get at
24 directly so that it's clear.

25 It sounds like that you rarely texted him; is

1 Q And then we get -- and Elon Musk says (as
2 read):

3 "Completely agree. I was told
4 about a lot of bad things this guy
5 did and was upset that no one cared
6 to investigate, so responded in what
7 I felt was off the record. In the
8 past, BuzzFeed has respected e-mails
9 prefaced with 'off the record' but
10 this time they did not. It was
11 still one of the dumbest things I've
12 ever done and this distraction
13 couldn't come at a worse time."
14 Have I read that correctly?

15 A Correct.

16 Q Do you, sir, have any knowledge yourself --
17 beyond Mr. Musk's statement that BuzzFeed had
18 respected e-mails prefaced with "off the record" in
19 the past, do you have any knowledge beyond that,
20 firsthand or secondhand, that BuzzFeed and/or Ryan
21 Mac had ever in the past respected a communication
22 from Elon Musk that was unilaterally sent with an
23 "off the record" statement and there being no
24 agreement by the reporter?

25 Do you have any such knowledge?

1 A Not specifically with respect to BuzzFeed but
2 with other publications.

3 Q But that's the key here. When we talk about
4 "off the record," we have to -- in terms of looking
5 at whether Mr. Musk was reasonable in expecting that
6 it wouldn't be published, we can't just look across
7 the board and say, well, other people have done it.

8 In order to be confident that it was going to
9 be respected in this instance, there has to be an
10 established relationship upon which Mr. Musk could
11 reasonably expect that his confidence would be
12 respected, true?

13 MR. SPIRO: Objection as to form.

14 THE WITNESS: I don't agree with that with
15 respect to Elon Musk. And -- and the reason is
16 because he is a very high profile public figure.
17 And I think, you know, it's one thing if a reporter,
18 you know, burns me, Dave Arnold, a communications
19 person working at Tesla or any other company. I
20 think it's different in my mind.

21 If you're Elon -- Elon Musk -- it was
22 surprising to me that they took something that he
23 felt was off the record and put it on the record,
24 because I mean, you know, you're damaging that
25 relationship.

1 Q But that was their right, BuzzFeed and Ryan
2 Mac's right to decide, true?

3 MR. SPIRO: Objection as to form.

4 BY MR. WOOD:

5 Q If they thought that they were going to bust
6 whatever relationship someone thought existed with
7 Elon Musk, that was their right to say we don't
8 care. We're going to publish it, true?

9 MR. SPIRO: Objection --

10 BY MR. WOOD:

11 Q Isn't that true, sir?

12 MR. SPIRO: Objection as to form.

13 THE WITNESS: It is up to them if they want
14 to publish it.

15 BY MR. WOOD:

16 Q And on the flip side, in order to determine
17 what level of confidence Mr. Musk claims to have
18 placed in BuzzFeed and Ryan Mac, we've got to find
19 some basis upon which he could say that he had
20 confidence. He just can't manufacture it. You
21 can't send something to someone who's essentially a
22 stranger to you and give them a unilateral dictate
23 to maintain your confidence without knowing that you
24 are taking a chance that that person might not
25 respect the confidence; isn't that true?

1 MR. SPIRO: Objection to the form.

2 If you can understand that.

3 BY MR. WOOD:

4 Q Isn't that the truth, sir?

5 A Could you please repeat the question.

6 Q Yes, sir. I'll read it back. In order --
7 and I said, on the flip side, in order to determine
8 what level of confidence Mr. Musk claims that he
9 placed in BuzzFeed and Ryan Mac, we've got to find
10 some basis upon which he can say that he had
11 confidence. He just can't manufacture it.

12 You can't send something to someone who's
13 essentially a stranger to you and give them a
14 unilateral dictate to maintain your confidence
15 without knowing that you were taking a chance that
16 that person might not respect the confidence; isn't
17 that true, sir?

18 MR. SPIRO: Same objections.

19 BY MR. WOOD:

20 Q It's just common sense.

21 A I --

22 MR. SPIRO: Same -- another objection.

23 THE WITNESS: He's, of course, taking a
24 chance, but I think -- I mean, I would imagine he'd
25 based that on his dealings with media, you know,

1 that he's been doing for years.

2 BY MR. WOOD:

3 Q No, I don't care what media he was doing for
4 years. If he had a relationship of years with this
5 fellow at QUORA, I understand that he might
6 reasonably expect that if he sends him something
7 that says off the record, that based on their
8 relationship, he would expect it would be kept off
9 the record.

10 Do you follow me?

11 A I -- I can only speak to how I would do it.

12 Q Well, that's just it. This isn't about how
13 you or even Mr. Musk would do it. This is about how
14 a reasonable person would do it. It's an objective
15 standard. And a reasonable person wouldn't run
16 around and provide confidential information to
17 someone who was a -- as a practical matter, a
18 stranger to them, whether they're in the media or
19 not.

20 Don't you agree, sir?

21 MR. SPIRO: Objection as to form.

22 THE WITNESS: I -- I don't think it's an
23 unreasonable expectation on his part to think that
24 that -- when he said this is off the record, it was
25 going to be off -- of the record. You know, was

1 it -- could he have been more careful and -- and
2 asked in advance for, you know, a formal agreement?
3 Yes. And is that what I would have done as a
4 communications person? Yes.

5 But I think based on -- I've seen him send
6 "off the record" e-mails to other reporters.

7 BY MR. WOOD:

8 Q That doesn't mean it's right.

9 A Unilaterally, out of the blue, and it's
10 honored. And in my own experience, when I've sent
11 off the record e-mails unilaterally to reporters, I
12 can't think of a time when that hasn't been
13 respected by a reporter.

14 Q Have you -- so I want a name or two so that I
15 can speak with them. Give me the name of a
16 journalist that you had no relationship with except
17 potentially an adverse relationship, where you
18 unilaterally, on your own, sent very sensitive
19 information where you claimed off the record without
20 first getting an agreement from that person that it
21 would be off the record. Name one.

22 A Off the top of my head, I can't. I send
23 hundreds of e-mails.

24 Q I'm not asking you to go through it. We're
25 going to take another break. I'm going to ask you

1 article.

2 Q We'll let the finder of fact read this e-mail
3 and decide.

4 A Okay.

5 Q But your opinion is you -- you don't believe
6 it was direct.

7 A No.

8 Q Was it indirect?

9 A In fact, the -- the reason that Joe Rogan was
10 discussed, because it was a three-hour format, and
11 Elon is generally in his element when he has an
12 opportunity to speak at length about things and
13 really get into detail rather than, you know, a -- a
14 sort of quick five-minute interview or something
15 that's going to be focused on one topic. That's my
16 memory of why ultimately, he did Joe Rogan.

17 Q Thank you. Mr. Musk didn't fall off the
18 space rocket yesterday. He's been around dealing
19 with the media for quite a number of years, hasn't
20 he?

21 A Yes.

22 Q And Mr. Musk knows that when he says
23 something, it is potentially news, true?

24 A Yes.

25 Q And, therefore, Mr. Musk has to be careful

1 both in what he says and who he says it to.

2 Do you agree?

3 A Yes.

4 MR. WOOD: Let me have the Ryan Mac article,
5 the September 4th article.

6 Do you have the exhibit notebook? It's going
7 to be in there. Sorry for the delay.

8 Do you have all the exhibits?

9 THE REPORTER: I hope so. I'll check at the
10 end.

11 MR. WOOD: From the very beginning of time?
12 I'm talking about Exhibit 1.

13 THE REPORTER: No, no. I don't have all of
14 them.

15 MR. WOOD: Let me have that real quick. I
16 will find it. What number?

17 MR. GRUNBERG: 23.

18 MR. WOOD: Do we have a copy of this? It
19 should be in that stack there. There you go. 23.

20 Do we have two copies?

21 Q I'm going to hand you what has been
22 previously identified as Exhibit 23.

23 Are you familiar with that article?

24 A I am.

25 MR. WOOD: Here you go, Alex.

1 Q That's -- that's the article. That's the
2 September 4, 2018 article we've been discussing,
3 right?

4 A Correct.

5 Q Look at the next to the last page of that
6 article where he includes in the article Mr. Musk's
7 e-mail of August 30th, 20-- 2018 at 6:43 p.m.

8 A I'm sorry. You said the second to the last
9 page?

10 Q Well, the next to the last page. I'm sorry.

11 A Got it.

12 Q Here are the e-mails that Ry-- Elon Musk
13 sent to BuzzFeed News reporter Ryan Mac.

14 Do you see where I'm looking?

15 A Yes.

16 Q Now, before we look at that, if you're going
17 to -- if you're Elon Musk -- as you've said, he has
18 a high, high profile. He's one of the wealthiest
19 men in the world, true?

20 A Yes.

21 Q Generally considered by his followers to be a
22 genius, right?

23 A Yes.

24 Q Worth, according to Forbes, at or and above
25 \$20 billion, right?

1 A Correct.

2 Q The guy that's going to take us to Mars and
3 save our civilization; that's kind of his tag, isn't
4 it?

5 A Correct.

6 Q The guy that's going to clean up the
7 environment and build -- I call them the glorified
8 golf carts, but I like -- I like a good Chevy. But
9 he's the guy that's going to build the -- the
10 electric vehicle, right?

11 A Right.

12 Q When he talks, it's news?

13 A Correct.

14 Q So he's got to be careful, right?

15 A Yes.

16 Q And part of being careful, you have to
17 consider the nature of what he's saying, don't you?

18 A Yes.

19 Q And what he said about Vernon Unsworth was an
20 accusation of the most heinous conduct in our
21 civilized society, a child rapist, true?

22 A It's -- it's a serious accusation.

23 Q No, no, please, sir. I know serious
24 accusations. This was a heinous accusation.

25 A You said the most heinous accusation.

1 Q It was a heinous accusation.

2 A I'd say it is -- it is a heinous accusation.

3 Q Not many are worse, wouldn't you agree?

4 A Yes.

5 Q And here he is with a reporter who has,
6 within two months, produced an article profiling
7 Mr. Musk and his companies in a way that is critical
8 of all four, right?

9 A Yes.

10 Q And he doesn't take the time to pick up the
11 phone or send an e-mail saying, can we have an off
12 the record conversation? He doesn't do that, does
13 he?

14 A He does not.

15 Q That would have been the prudent thing to do,
16 wouldn't it?

17 A That would have been the most prudent thing
18 to do, yes.

19 Q Yes. And he then doesn't do that. But he
20 starts off and he says (as read):

21 "Off the record."

22 Follow me when I read (as read):

23 "I suggest that you call people you
24 know in Thailand, find out what's
25 really going on and stop defending

1 child rapists you fucking asshole."

2 Have I read that correctly?

3 A Yes.

4 Q Now, even if you've got some level of
5 confidence that somebody's, from a historical
6 standpoint, going to keep your confidence, you're
7 pushing the line when you call them a fucking
8 asshole in the first sentence, aren't you, sir?

9 A Yes.

10 Q It's hard to realize -- it's hard to envision
11 anybody reasonably expecting that someone who he has
12 no relationship of trust with is going to keep
13 information unilaterally off the record from Elon
14 Musk when he addresses them in the first sentence as
15 a fucking asshole. Don't you agree with me?

16 A It makes it harder, yes.

17 Q You agree with me, don't you, sir?

18 A Could you restate the question.

19 Q Yes. It's hard to envision anybody
20 reasonably expecting that a reporter who he has no
21 established relationship of trust with is going to
22 keep information confidential and off the record at
23 his unilateral request when he starts off giving the
24 information in the first sentence calling the
25 reporter a fucking asshole, true?

1 MR. SPIRO: Objection to form.

2 THE WITNESS: I think if -- if I sent that
3 e-mail, that would be true. I think it is, again,
4 as I said earlier, different for Elon Musk.

5 BY MR. WOOD:

6 Q When you send that e-mail, with all due
7 respect, sir, nobody really cares about your
8 statements. You're just Dave Arnold, just like I'm
9 Lin Wood. It doesn't make news necessarily what
10 Dave Arnold says, does it?

11 A No.

12 Q But when it comes from Elon Musk on a subject
13 matter that has been out front as one of the most
14 covered news events in recent weeks and months, the
15 chances of that being news to be published are
16 significantly higher than it's just from the average
17 Joe or Dave Arnold or Lin Wood, don't you agree?

18 A That's true.

19 Q And you're calling the reporter a fucking
20 asshole. I mean, would you walk up to somebody that
21 you really don't know or know somebody that says
22 something critical about you and say, hey, I want to
23 tell you a secret that you better keep, you fucking
24 asshole?

25 Would you really expect them to keep that

1 secret?

2 MR. SPIRO: Objection to form.

3 BY MR. WOOD:

4 Q Mr. Arnold, would you reasonably expect that
5 person to keep that secret?

6 A If it were me saying it, no.

7 Q If anybody reasonably were to do that, you
8 wouldn't expect that person to believe that that
9 person was going to keep a secret?

10 A I mean, again, I think it's -- it's different
11 for Elon.

12 Q No, it's not. It's worse for Elon.

13 MR. SPIRO: Objection; argumentative.

14 MR. WOOD: I'm not through. Don't interrupt
15 me.

16 MR. SPIRO: You are badgering the witness
17 again.

18 MR. WOOD: Don't interrupt me. State your
19 objection after I've asked -- finished asking my
20 question.

21 Q It's worse with Mr. Musk. The chances of
22 publication are greater because it's coming from
23 Elon Musk than if it's coming from Dave Arnold,
24 true?

25 MR. SPIRO: Objection as to form.

1 BY MR. WOOD:

2 Q Because he makes news, you don't.

3 A I --

4 MR. SPIRO: Objection to form.

5 THE WITNESS: I don't agree. The thing to
6 balance here is that there's bigger risk for the
7 publication if they burn him.

8 BY MR. WOOD:

9 Q But that's their risk.

10 A That's, I think, a significant risk. As you
11 said, he's one of the biggest newsmakers in the
12 world. And if you, as a publication, cut off --
13 essentially run the risk of cutting off your access
14 to one of the biggest newsmakers in the world,
15 that's a serious risk.

16 Q It's a risk that -- that only BuzzFeed has
17 the right to assess and evaluate and decide, right?

18 A Correct.

19 Q But I want to talk about Mr. Musk. When
20 Mr. Musk, with his high profile nature, knowing that
21 he's got to be careful about what he says and
22 careful about who he says it to because he knows
23 that when he speaks, it can make news and he knows
24 he's talking about an event of such public interest
25 as the Thai cave rescue, it's Mr. Musk that has a

1 responsibility to reasonably ensure that his
2 statements, especially when they are heinous
3 accusations of child rapist against an individual,
4 he's the one that's got a higher duty to make sure
5 that he takes the steps to get an agreement that
6 it's not going to be published before he types it
7 out in an e-mail, true?

8 MR. SPIRO: Objection as to form and --

9 THE WITNESS: I think he has a higher duty to
10 ensure that it's not -- do what he can to ensure
11 it's not printed, and I think putting "off the
12 record" on there is a clear way of doing that.

13 BY MR. WOOD:

14 Q It's one way, but it's not a good way.

15 A That's --

16 Q The only -- the only reasonable protection at
17 a minimum to get protection before you run your
18 mouth and accuse somebody of being a child rapist in
19 this kind of public event when you're Elon Musk is
20 to first look over at the reporter and say I'm going
21 to tell you what you need to learn about
22 Mr. Unsworth, but you're going to have to agree to
23 do it off the record and not for publication. That
24 is the reasonable step in this type of a situation,
25 isn't it, sir?

1 A It would be the most prudent thing to do,
2 yes.

3 Q Thank you. And he didn't do it. In fact,
4 Exhibit 42 -- do you have 42?

5 MR. GRUNBERG: She has it.

6 MR. WOOD: Do you have 42? Thank you.

7 Q The court reporter has handed you Exhibit 42,
8 Mr. Arnold. And it starts with an e-mail from
9 Mr. Mac, August the 29th, and he's asking him about
10 a Tweet. I don't know if you recall this or not but
11 you probably looked at it. Mr. Musk Tweeted --
12 where is the Tweet? Exhibit 41.

13 Mr. Musk had Tweeted on the 29th at 2:41 a.m.
14 in response to a Tweet by Drew Olanoff at Yoda.
15 Drew Olanoff Tweets (as read):

16 "One other thing Elon. Your
17 dedication to facts and truth would
18 have been wonderful if applied to
19 that time when you called someone a
20 pedo."

21 Have I read that correctly?

22 A Yes.

23 Q And then what does Elon Musk reply on
24 Twitter?

25 A He says (as read):

1 "You don't think it's strange he
2 hasn't sued me? He has offered
3 freely" -- "he was offered free
4 legal services and you call yourself
5 at Yoda."

6 Q And then you're aware of the fact that I
7 replied to this Tweet by Mr. Musk, and I said (as
8 read):

9 "Elon Musk should check his mail
10 before he Tweets."

11 And I attached to that Tweet in defense of my
12 client and the implications of Mr. Musk's Tweet
13 about him the letter that I had sent to him on
14 August the 6th advising him that a lawsuit was being
15 considered and giving him an opportunity to discuss
16 how to correct the record.

17 Do you remember that?

18 A I -- I have a vague recollection of that.

19 Q Yeah.

20 A I don't remember the specifics.

21 Q And that spurred Ryan Mac on the 29th to
22 write Mr. Musk and say (as read):

23 "There's a letter dated August 6th
24 sent to your Los Angeles home and
25 discusses legal proceedings against

1 you for libel. Given the Twitter
2 conversation yesterday" --

3 Which I think you would agree is a reference
4 to the conversation on Exhibit 41, right?

5 A Correct.

6 Q (As read):

7 "I was hoping you could talk about
8 the letter and whether you had seen
9 it yet. I'm happy to chat on the
10 phone if you want to call me."

11 And then he gives Mr. -- he gives Mr. Musk
12 his phone number, right? Do you see that?

13 A I do.

14 Q But Mr. Musk didn't call him. Mr. Musk
15 writes him back and says (as read):

16 "Have you actually done any
17 research at all?"

18 That's a little bit insulting, isn't it?

19 A I --

20 Q Come on.

21 A I --

22 Q (As read):

23 "Have you real-" -- "have you
24 actually done any research at all?"
25 That's demeaning, isn't it?

1 A I wouldn't necessarily take it that way.

2 Q Now you go with "necessarily." When I'm
3 sitting there saying I want to talk to you about a
4 subject matter and you write me back and say, have
5 you done any research at all, you're demeaning me in
6 the sense of suggesting that I don't know what
7 I'm -- I'm talking about, right?

8 A I have a thick skin. I don't take that
9 particularly -- I'm not offended by --

10 Q The average person might feel differently?

11 A Perhaps.

12 MR. SPIRO: Objection to form.

13 BY MR. WOOD:

14 Q Now he goes on to say (as read):
15 "For example, you incorrectly state
16 that he's a diver, which shows that
17 you know essentially nothing and
18 have not even bothered to research
19 basic facts."

20 Now, that is insulting, isn't it?

21 A Yes.

22 Q So now he comes back to -- it's a reasonable
23 request from Mr. Mac that he made initially.

24 Wouldn't you agree?

25 A I think it's a pretty pro forma e-mail.

1 Q Standard handling, isn't it?

2 A Yes.

3 Q Nothing offensive about it to Mr. Musk,
4 wouldn't you agree?

5 A Yes.

6 Q And then Musk goes back and insults the man,
7 doesn't he?

8 A Some might see it as insulting, but yes.

9 Q You see it as insulting, don't you?

10 A Yes.

11 Q And then Mr. Mac writes him and says (as
12 read):

13 "Hey Elon. Thanks for getting back.
14 Actually he prefers to be called a
15 spelunker."

16 Do you know what a spelunker is?

17 A Cave diving?

18 Q No.

19 A Then no.

20 Q A cave diver is a cave diver. Mr. Unsworth
21 has never represented himself to be a cave diver.
22 He does diving, but he's a cave explorer. He goes
23 in and explores caves and maps them. He's a
24 spelunker. He's a caver.

25 He writes back and says (as read):

1 "Hey Elon. Thanks for getting
2 back. Actually, he prefers to be
3 called a spelunker, and we've
4 confirmed that he actually does do
5 cave diving, but do you have any
6 comment on the letter you received?"
7 Now, that is also a pro forma. In fact, it's
8 almost like Mr. Mac professionally ignored the
9 insult and still made a reasonable request to get
10 Mr. Musk to talk with him.

11 Do you agree?

12 A Yes.

13 Q And then he doesn't hear anything, and he
14 writes back, and he says (as read):

15 "Hey Elon. Just wanted to make sure
16 I did my due diligence to research
17 basic facts and follow up here."

18 Do you see that?

19 A Yes.

20 Q Very appropriate professional e-mail from
21 Mr. Mac despite the insults, right?

22 A It's a professional e-mail.

23 Q And then Elon Musk writes the e-mail that we
24 just talked about that starts off (as read):

25 "I suggest you call people you know

1 in Thailand and find out what's
2 really going on and stop defending
3 child rapists, you fucking asshole."
4 Now, he has added a significant insult on top
5 of an already insulting e-mail, true?

6 A Yes.

7 Q Nobody would reasonably expect writing to a
8 reporter like this that this person is going to
9 honor your unilateral off the record, are they, sir?

10 MR. SPIRO: Objection, again, to form.

11 BY MR. WOOD:

12 Q Unless their ego is so great that they think
13 they're so omnipotent and powerful that people will
14 do whatever they say without question.

15 A Again, it is insulting, I agree, but I think
16 you balance that versus the risk to the publication
17 of losing access to the -- that is the mental
18 calculus that I would do on this, but --

19 Q I know that. But I -- but we're talking
20 about the calculus that should be done on Elon
21 Musk's part. He had no business reasonably
22 expecting that this publication was going to honor
23 his unilateral demand that it be off the record when
24 he already knows they have criticized him in a
25 significant article and he has gone out of his way

1 to insult the reporter to the point of calling him a
2 fucking asshole.

3 That's not a reasonable expectation under
4 these facts, is it, sir?

5 A I think if he wanted it to be on the record,
6 he wouldn't --

7 MR. SPIRO: Objection to form.

8 THE WITNESS: -- have said "off the record."

9 BY MR. WOOD:

10 Q Oh, I don't think -- I don't know whether
11 Mr. Musk wanted it to be -- I would assume that he
12 in his own world believed that he could say off the
13 record and people would do whatever Elon Musk said.
14 I don't doubt that. But that's not the real world.
15 When you ask somebody to keep your confidence
16 and you're getting ready to say something that is a
17 heinous accusation against a private individual, you
18 are taking a major chance that your confidence will
19 not be honored if you are insulting the person
20 you're asking to keep your confidence not once but
21 twice and the second one being -- calling them a
22 fucking asshole, wouldn't you agree?

23 A I would agree you're taking a chance. I
24 wouldn't classify it as a major chance, in the -- in
25 the case of Elon Musk.

1 Q When you start calling people a fucking
2 asshole, the chances of that person saying, you
3 know, basically, fuck you, Elon Musk. I don't care
4 who you are. You insult me like this, I have no
5 obligation not to publish. I'm going to publish.
6 He actually increases the chance of
7 publication by calling this reporter a fucking
8 asshole, doesn't he?

9 MR. SPIRO: Objection as to form. He can't
10 possibly answer that question.

11 BY MR. WOOD:

12 Q Doesn't he?

13 A I -- it's a risk.

14 Q It gets bigger when you call the reporter a
15 fucking asshole, doesn't it, sir?

16 MR. SPIRO: Objection to form.

17 THE WITNESS: I think the fact that he said
18 it off the record and he's Elon Musk --

19 BY MR. WOOD:

20 Q It wasn't off the record to Ryan Mac. He
21 called Ryan Mac essentially in an e-mail to his face
22 a fucking asshole. That certainly increased the
23 chances that Ryan Mac might publish that
24 information, didn't it?

25 MR. SPIRO: Objection.

1 THE WITNESS: I think that's fair.

2 BY MR. WOOD:

3 Q Thank you. And then Mac writes him back and
4 says (as read):

5 "I didn't agree for the
6 conversation to be off the record
7 but appreciate the response."
8 Very professional.

9 And then he goes on to say (as
10 read):

11 "To follow up, I've tried to report
12 out some of the accusations on" --
13 "on my own but have not found
14 anything to corroborate the claims.
15 Are you able to share anything that
16 you found about Elon" -- "about
17 Vernon Unsworth?"

18 And then it goes on to say some specifics
19 about what Musk had accused him of and says -- and
20 then, again, asks him about the August 6th letter.
21 And Elon Musk writes back and says (as read):

22 "We haven't had a conversation at
23 all."

24 And they had not, had they? They had an
25 e-mail communication.) But, you know, as you sit

1 here today, that you would tell me, Mr. Wood, I read
2 this and I agree a hundred percent with you. Elon
3 Musk and Ryan Mac never reached any agreement to
4 keep any information off the record.

5 You would tell me that, wouldn't you?

6 MR. SPIRO: Objection to form.

7 THE WITNESS: They did not reach an agreement
8 in advance, no.

9 BY MR. WOOD:

10 Q There wasn't even an agreement sought. There
11 was just one demanded by Mr. Musk, wasn't it?

12 A I wouldn't --

13 MR. SPIRO: Objection to form.

14 THE WITNESS: -- qualify it as demanded.

15 When I say "off the record" to reporters, I wouldn't
16 say I'm demanding that. I'm --

17 BY MR. WOOD:

18 Q You're asking for it to be?

19 A No. You're -- it's standard practice.

20 Q No, it's not. And you know that's not the
21 truth, sir.

22 A I --

23 Q Ben Smith is going to tell you in a minute
24 when we go over his e-mails that you're wrong, isn't
25 he?

1 Q Take out the "haphazardly," and you would
2 agree with me; would that be true?

3 A Would you repeat it, then.

4 Q Yeah. You're working me hard, Mr. Arnold.

5 Mr. Musk had an absolute responsibility to
6 consider the consequences of what he was saying as
7 they might impact Vernon Unsworth before he goes out
8 and utters them through e-mail, making these heinous
9 accusations of Mr. Unsworth without even trying to
10 get an agreement that it would be off the record.
11 He's got to consider the consequences to the person
12 he's talking about, doesn't he, sir?

13 A The question keeps changing. I mean, you
14 added "without seeking an agreement."

15 Q He didn't seek an agreement.

16 A He did not, but I think stating "off the
17 record" up front, again --

18 Q It's his desire for it to be confidential.

19 A He --

20 Q It's a one-way street. If I say, hey, I'm
21 going to tell you a secret. I've expressed the idea
22 that I'm going to tell you a secret, right? And
23 most people, maybe if you know them well enough and
24 they're friends, you're comfortable saying I want to
25 tell you a secret and then you tell it. You don't

1 wait for them to say I'll keep it because you know
2 who they are and you trust them, right?

3 A Yes.

4 Q But if I talk to somebody I don't really know
5 that has just finished calling me a fucking asshole,
6 I am acting in my own peril when I look over in
7 response and go, I'm going to tell you a secret.
8 Don't tell anybody. Wouldn't you agree that -- from
9 that, sir, from just a common sense standpoint?

10 MR. SPIRO: Objection to form.

11 THE WITNESS: It is a risk in that regard.

12 BY MR. WOOD:

13 Q So you do agree with me from a common sense
14 standpoint, don't you?

15 A With respect to that specific example that
16 you just gave; however, I think journalistic
17 practices are slightly different, and I think it's
18 a -- it's a norm to say "off the record" and then
19 have that be on it.

20 Q It's what?

21 A A norm.

22 Q That's just your opinion, and you know that
23 many members of the journalistic community disagree
24 with you, including the man you tried to talk out of
25 publishing it, Ben Smith, a man you respect as a

1 journalist --

2 A He disagreed with --

3 Q -- over ten years, right?

4 A He disagreed with me in this, yes.

5 Q Right. He's the editor. Let's get that on
6 the record. Look at -- look at Exhibit -- have we
7 marked 107?

8 THE REPORTER: Yes.

9 BY MR. WOOD:

10 Q Take a look at 107.

11 So Ryan Mac reaches out to you on September
12 the 4th, 2018, 1:04 p.m. (as read):

13 "Hey Dave, I hope you had a nice
14 long weekend. I just wanted to give
15 you a heads-up. They're working on
16 a story about Elon and some
17 accusations he made to me about the
18 British diver Vernon Unsworth. Elon
19 e-mailed me last week with some new
20 accusations that we intend to
21 publish. I wanted to see if Tesla
22 PR had any response to that. In
23 addition, we wanted to pose the
24 following question: Does Tesla and
25 its board believe that Elon Musk is

1 A I believe the latter.

2 Q He just told you to call the editor?

3 A Yeah.

4 Q So you followed his instructions, and you
5 sent an e-mail to Ben Smith that we just went over,
6 right?

7 A Yes.

8 Q And Ben Smith responded and said -- and you
9 knew Ben?

10 A I did.

11 Q He said (as read):

12 "Hi Dave, happy to chat. But
13 you've been doing this long enough
14 to know that you agree to the terms
15 of a conversation in advance."

16 Then he gives you his phone number and says
17 (as read):

18 "If you want to give me a call right
19 now, Ben."

20 Have I read that accurately?

21 A Correct.

22 Q There's no doubt about what Ben Smith was
23 telling you there, is there, sir?

24 A That is what he said, yes.

25 Q He's saying you've been around this business

1 long enough to know better.) You know that you agree
2 to the terms of a conversation in advance. That's
3 what he's conveying to you straight up, isn't it?

4 A That is what he said, yes.

5 Q And then you say (as read):

6 "See below. I'll call you."

7 And that's to Juleanna Glover, right?

8 A Correct.

9 Q Did you call Mr. Smith back?

10 A I did.

11 Q What did you all say?

12 A I don't remember the specifics of the
13 conversation, but I believe I -- I told him I was
14 confused about, you know, why they put this on the
15 record when it was stated that it was off the
16 record -- when Elon stated it was off the record.

17 And I believe I said, you know, "I'm
18 particularly confused about this given that, you
19 know, I myself have said off the record to BuzzFeed
20 reporters before and -- and that's been totally
21 fine."

22 Q And Ben Smith told you what?

23 A He said, you know --

24 Q You know better?

25 A I'm paraphrasing -- no. He -- I don't

1 recall. I think he said, you know, thanks, but
2 we're publishing it anyway.

3 Q He pretty much repeated what he -- he
4 conveyed to you pretty much what he had conveyed in
5 the e-mail?

6 A I don't recall exactly, but I expect that he
7 did, yes.

8 Q Yeah, that you ought to know better?

9 A I think he -- we differed in an opinion on
10 this matter.

11 Q But he said, "You ought to know better."

12 A He said that in an e-mail.

13 Q And that's the gist of what he said in the
14 conversation. He didn't change his position one
15 bit, did he?

16 A I can't recall exactly what his response was.

17 Q He didn't change his position --

18 A He did not.

19 Q -- one bit, did he?

20 A No.

21 MR. WOOD: 108.

22 THE REPORTER: 109.

23 MR. WOOD: 109.

24 (Exhibit 109 was marked for identification
25 by the court reporter and is attached hereto.)

1 BY MR. WOOD:

2 Q Do you know what is contained in the blank --
3 is there any lawyer on this e-mail 109 on the -- it
4 says "Elon Musk to Dave Arnold, Sam Teller and Todd
5 Maron."

6 Who's Todd Maron?

7 A He was with Tesla's general counsel at the
8 time.

9 Q Okay. That helps me. Is that a true and
10 correct copy of -- well, you've already
11 stipulated --

12 MR. SPIRO: Yes.

13 MR. WOOD: -- right?

14 Q I mean, you report back to Elon Musk.
15 Essentially, you're telling him it didn't work;
16 they're going to publish, right?

17 A Oh, at the very top?

18 Q Yeah. The report you wrote to Elon Musk and
19 essentially you said --

20 A Yeah.

21 Q -- I talked to him. It didn't work. They're
22 going to publish, right?

23 A Yep.

24 Q Even after you tried to argue with Ben Smith
25 this idea that you claim you unilaterally said a

1 number of things off the record to BuzzFeed
2 reporters, Ben Smith didn't bite for it, did he?

3 A No.

4 Q Didn't -- you didn't convince Ben Smith at
5 all about saying that to him, did you?

6 A I did not.

7 MR. WOOD: 110.

8 (Exhibit 110 was marked for identification
9 by the court reporter and is attached hereto.)

10 MR. WOOD: And while I've got you, because it
11 may be the last one, 111.

12 (Exhibit 111 was marked for identification
13 by the court reporter and is attached hereto.)

14 MR. WOOD: What number are we up to?

15 THE REPORTER: 110 and 111.

16 BY MR. WOOD:

17 Q Do you see Exhibit 110?

18 A Yes.

19 Q That is, in fact, an e-mail that you sent to
20 Sarah O'Brien?

21 A Correct.

22 Q You had talked to Ryan Mac?

23 A It appears so, yes.

24 Q (As read):

25 "Ugh, Ryan Mac is not relenting. I

EXHIBIT 8

EXHIBIT 8



Deposition of:
Steven Davis

October 1, 2019

In the Matter of:
Unsworth, Vernon v. Musk, Elon

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Unsworth, Vernon v. Musk, Elon

Page 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,

Plaintiff,

vs.

ELON MUSK,

Defendant.

No. 2:18-cv-08048-SVW (JC)

VIDEOTAPED DEPOSITION OF STEVEN M. DAVIS

Los Angeles, California

Tuesday, October 1, 2019

Volume I

Reported by:

NADIA NEWHART

CSR No. 8714

1 A Approximately five years.

2 Q Why -- I don't want to go into your personal
3 business but if you can tell me if you don't mind,
4 why the move from D.C. to Vegas?

5 A So I'm a dual employee of SpaceX and The
6 Boring Company. And The Boring Company has a
7 project in Las Vegas that was relevant for me to be
8 local for.

9 Q What -- how long have you worked for -- you
10 work for SpaceX and Boring?

11 A Correct.

12 Q Let me break them down in case there's a
13 difference. How long have you worked for SpaceX?

14 A Since 2003.

15 Q And how long have you worked for Boring?

16 A 2018.

17 Q What has your -- can you give me an overview
18 of your history at SpaceX in terms of the positions
19 you've held since you joined it in 2003.

20 A Yeah. Earlier, I was a guidance navigation
21 and control engineer. Then I became an engineer on
22 the Dragon spacecraft. And then my official title
23 is director of advanced projects, which kind of
24 means projects off the beaten path for SpaceX.

25 Q And then if you would, tell me what you do

1 for The Boring Company in terms of your position.

2 A At Boring Company, I'm the president.

3 Q And who do you answer to for Boring Company?

4 A For Boring Company, I answer to Elon Musk.

5 At SpaceX, my manager is Hans Koenigsmann.

6 Q I'm sorry. At SpaceX, your manager is who?

7 A Hans Koenigsmann.

8 Q Prior to joining SpaceX in 2003 -- did I get
9 that right?

10 A Uh-huh.

11 Q Where were you employed?

12 A SpaceX was my first job.

13 Q Had you just graduated?

14 A Correct.

15 Q Where did you graduate from, and what was
16 your degree?

17 A It was a grad degree at Stanford in aerospace
18 engineering.

19 Q And your undergraduate degree was in?

20 A In business and engineering from Penn.

21 Q My son, who is co-counsel on this case with
22 me went, to Tech --

23 A Wait. Is it --

24 Q No, no. My son is much better looking than
25 Jonathan. My son is not, here but may be on the --

1 A -- assuming we're talking about the Lauren
2 Caplan who lives in Denver.

3 Q C-a-p-l-a-n?

4 A Correct.

5 Q And does she work, in any way, with
6 Mr. Musk's organizations?

7 A Not to my knowledge.

8 Q Is she a personal friend of yours?

9 A Yeah. She's a good friend.

10 THE REPORTER: 97.

11 MR. WOOD: 97.

12 (Exhibit 97 was marked for identification
13 by the court reporter and is attached hereto.)

14 THE WITNESS: Should I read this or --

15 BY MR. WOOD:

16 Q Hang on a second. Okay. Now, the court
17 reporter has handed you what has been marked for
18 purposes of identification Exhibit 97 to your
19 deposition. And I would ask you to take a moment
20 and look at that document.

21 A Okay.

22 Q Before --

23 THE WITNESS: Do you want me to pass this to
24 you?

25 MR. WOOD: He's got a copy. He's got a copy.

1 Before I examine Mr. Davis on that, can we
2 put into the record our agreed upon stipulation
3 yesterday that the authenticity, including whether
4 the documents are true and accurate and correct
5 copies, that you have stipulated on behalf of
6 Mr. Musk the authenticity as to any document
7 produced by SpaceX, Tesla or Mr. Musk and I would
8 assume to the extent there may be some from Boring
9 Company?

10 MR. SPIRO: Agreed.

11 MR. WOOD: Great. That will save us some
12 technicalities.

13 Q And then you provided us -- I need to get
14 those texts.

15 MR. SPIRO: They're right there.

16 MR. WOOD: The texts that we got this
17 morning. I'll come back to the texts.

18 MR. SPIRO: But yes, we -- we would stipulate
19 that those are from Mr. Davis' phone this morning.

20 MR. WOOD: Yeah. That's -- let me get to
21 that in a sec. I jumped ahead of myself looking for
22 them.

23 Q Mr. Davis, let me go back to Exhibit 97 for a
24 moment.

25 This e-mail was sent to you by Lauren Caplan,

1 a friend, on -- it appears to be 7/5/2018 at around
2 6:09 p.m.; is that right? Is that right?

3 A Yes. This says July 5th 2018 at 6:09 p.m.

4 Q At the time that you received this e-mail
5 from Ms. Caplan, had you already received any
6 instructions -- instructions from Mr. Musk, or did
7 he get in touch with you in effect after this?

8 A I don't know that -- the timing between that
9 and when Elon first reached out.

10 Q You don't know whether the Bloomberg report
11 "Elon Musk Team is Talking With Thai Officials For
12 Cave Rescue," you don't know if that report was
13 published before you were asked to help by Mr. Musk
14 or whether Mr. Musk reached out to you was after
15 that publication?

16 A I can't definitively give you a before or
17 after on those two things.

18 Q Or even essentially contemporaneously, you
19 don't know?

20 A No, I -- I wouldn't want to guess.

21 Q The article says that -- that?
22 "Elon Musk was in talks with Thai
23 authorities about aiding in the
24 rescue of a boys' soccer team, said
25 a spokesman for the billionaire."

1 Again, do you know what -- the identities of
2 any Thai authorities that are being referenced there
3 that were allegedly being in discussions with
4 Mr. Musk?

5 A I don't.

6 Q And then it says (as read):

7 "Musk companies could try" --
8 strike that.

9 (As read):

10 "Musk companies could help by trying
11 to locate the boys' precise location
12 using SpaceX exploration
13 Technologies Corp. or Boring Company
14 technology, pumping water or
15 providing heavy-duty battery packs
16 known as Tesla Inc."

17 Have I read that correctly?

18 A Yeah, that's what it says.

19 Q At this point in time -- well, who is -- when
20 it says "SpaceX Exploration Technologies
21 Corporation," is that SpaceX?

22 A That's correct.

23 Q Okay. It looks like at least the initial
24 report, according to this document, said that you --
25 Mr. Musk was going to initially consider assistance

1 in locating the boys' precise location, right?

2 A Yes. That's what the article says.

3 Q Pumping water, right?

4 A Uh-huh, yes, that's what the article says.

5 Q Or providing heavy-duty battery packs known
6 as Tesla, Inc., right?

7 A Yes, that is what the article says.

8 Q The initial article that is at least on its
9 face based on comments from a spokesman for the
10 billionaire -- and the billionaire I'm sure refers
11 to Mr. Musk -- does not make any reference to
12 building any type of a pod.

13 Would you agree with that?

14 A I agree the article does not reference a pod.

15 Q What -- when -- and again, how long have you
16 known Lauren Caplan?

17 A I'm guessing seven years; sounds about right.

18 Q What type of work does Ms. Caplan do?

19 A She's an attorney.

20 Q Well, she has my sympathies. She's an
21 attorney in Denver?

22 A Yes.

23 Q Can you tell us if you would -- read for us
24 what Ms. Caplan wrote to you on July the 5th as part
25 of attaching this reference to the Bloomberg

1 restroom.

2 MR. SPIRO: All right.

3 THE VIDEOGRAPHER: We're going off the record
4 at 11:24 a.m. This is the end of media three.

5 (Recess.)

6 THE VIDEOGRAPHER: We're on the record at
7 11:39 a.m. This is the beginning of media four in
8 the deposition of Steven Davis.

9 BY MR. WOOD:

10 Q Mr. Davis, do you have in front of you now
11 what has been marked for purposes of identification
12 as Exhibit 99?

13 A Yes.

14 Q This is the beginning of what you've produced
15 during the deposition. This is text communications
16 between you and Sam Teller --

17 A Yes.

18 Q -- related to the Thai rescue efforts, right?

19 A Yes.

20 Q And I asked you, do you have your phone so we
21 could get times.

22 A Yes.

23 Q I need to get a date first on the first page
24 of Exhibit 99. In fact, I don't see any dates as to
25 when these -- these text exchanges occurred. Can

1 you look at your phone and tell me that.

2 A I talked to consul, which is -- the first one
3 is July 10th, 2018 sent at 12:12 a.m. Also,
4 remember I'm -- I was sending these from eastern
5 time.

6 Q Yeah. Oh, eastern time. Yeah, so eastern
7 time. You sent this on July 10th 2018 at 12:12 a.m.
8 eastern time?

9 A Correct.

10 Q Thank you. And you say (as read):

11 "I talked to consul."

12 That's the guy in L.A.? Or I don't mean guy,
13 I guess, man or woman in L.A.?

14 A I believe so.

15 Q Was it a man?

16 A Yes.

17 Q And you said (as read):

18 "He claims he will call PM and try
19 to get it reversed."

20 Have I read that correctly?

21 A Correct.

22 Q Tried to get -- well, are we talking about
23 the prime minister of Thailand, PM?

24 A Yes.

25 Q And then you say (as read):

1 "And try to get it reversed."

2 What were you trying to get the prime
3 minister to reverse?

4 A I'm not positive, but looking at future
5 texts, somebody who refers, as he called it,
6 impractical, and I assume it was getting that
7 statement reversed.

8 Q And what time did Mr. Musk say that would
9 be -- (as read):

10 "Thank you. That would be best"?

11 A Oh, this is not a text with Elon.

12 Q I'm sorry, Mr. Teller.

13 A Same time, 12:12 a.m.

14 Q And your times are showing up as eastern
15 time?

16 A Correct.

17 Q Regardless of where he is, you're talking
18 about when you received it?

19 A I believe that's how it worked, yes.

20 Q And then you -- what time did you write (as
21 read):

22 "He said it was a 'one second

23 comment' where the word

24 'impractical' slipped out. Not sure

25 I believe that"?

1 called the consul to talk about the one second -- or
2 the comment where impractical slipped out.

3 Does this make you believe that this is the
4 subject matter of your conversation with the consul,
5 that is the article where BBC said Elon's Musk --
6 (as read):

7 "Elon Musk offer 'not practical,'
8 for cave mission Thai rescue chief
9 says"?

10 A I don't remember if this referred to this.
11 But I remember there was an article, which could be
12 this, that mentioned impractical, and that's what
13 was being responded to.

14 Q Or not practical?

15 A Or not practical.

16 Q Okay. And then you said (as read):

17 "The Thai prime minister's office
18 had been planning to issue a thank
19 you statement so they are actually
20 scrambling and aren't happy about it
21 and diplomats are calling them
22 concerned as well."

23 What time did you send that text to

24 Mr. Teller?

25 A I'm trying to find -- oh, the one that begins

1 with the PM office had been planning, is 12:19 a.m.

2 Q And again, your recollection is such that
3 looking at this text chain that -- I mean, yes, this
4 text chain that you were -- when you say "they
5 aren't happy about it," are we talking about some
6 article where a Thai official had said that the tube
7 was not practical? Are we still talking about the
8 same thing?

9 A Correct. There was an article where someone
10 said publicly that it was not practical.

11 Q And then is it Mr. Teller that says back to
12 you (as read):

13 "The SpaceX mini sub is a
14 technically sound solution for
15 rescuing the Thai children, the
16 design of which was informed by
17 feedback from divers and rescuers on
18 the ground. Thankfully, the current
19 rescue method is working well, and
20 the mini sub is a practical backup
21 in case of a contingency"?

22 Have I read Mr. Teller's text correctly?

23 A Correct.

24 Q Was that a text that you interpreted to be
25 what he wanted to have put out publicly?

1 it right now, the ungrateful ass-"

2 "asshole."

3 Q Who is he calling an ungrateful asshole?

4 A That, I'm not sure.

5 Q Somebody in the governor's office that said
6 it was not practical?

7 A I'm not sure.

8 Q Why is there such a concern about the
9 comments from a Thai official that the tube was not
10 practical? Why is there this effort to try and
11 somehow respond to that comment? Does that have
12 anything to do with saving the kids?

13 A One more time.

14 Q Does it have anything whatsoever to do with
15 efforts to save these children and their coach, to
16 be going back and forth about being unhappy with
17 some Thai governor's office official publicly
18 stating that the tube was "not practical"?

19 A No. That's separate from saving the kids.

20 Q This part is separate, because this part
21 deals with publicity regarding the tube, doesn't it?

22 A I don't -- I don't know about that. But
23 it -- you had mentioned this happened after the
24 kids, correct?

25 Q You told me that. I -- I asked the question.

1 A Oh, I didn't know the dates. I thought you
2 had mentioned that.

3 Q Well, I'm -- I'm just relying on your
4 testimony. I'm not here to testify.

5 A This is, obviously, separate from physically
6 saving the kids.

7 Q So what is this? I -- it looks to me, you
8 know, to be an effort to get publicity over a
9 response to the governor's -- or someone in the
10 governor's office publicly stating that the tube was
11 not practical. Is it something other than what it
12 appears to be?

13 A No. It sounds like someone made a negative
14 statement, and we were not happy that a negative
15 statement was made.

16 Q And you wanted to get something out publicly
17 to refute it or respond to it or even to pressure
18 the governor into changing it, am I right?

19 A That, I don't remember. I'm looking at it
20 and trying to remember. All I remember, that we
21 weren't happy about it. And then --

22 Q Do you want to answer my question, or do I
23 need to restate it?

24 A Yeah, please restate.

25 Q Was it clear that Mr. Teller, at least since

1 you were texting with him -- although he says that
2 he was in touch with Elon Musk, was it clear that
3 the focus of these texts were on responding to the
4 public statement by someone in the governor's office
5 that the tube was not practical?

6 A Statement -- yes. And I don't remember the
7 details, but a negative statement was made publicly,
8 and we were responding to it.

9 Q And you were spending some time on this.
10 There's more texts on -- on this issue than there
11 was on the efforts to build the tube, from what I'm
12 looking at --

13 A I mean, that's --

14 Q -- from you.

15 A I mean, that's not accurate but --

16 Q It is accurate. Do you want to count them?

17 A Oh, no, from --

18 Q Do you want to challenge me on the accuracy?
19 And I'll tell you to count them. You spent a lot
20 more time texting about the publicity regarding the
21 "not practical" comment than what you gave me
22 earlier in Exhibit 98 where you're talking about
23 helping these kids.

24 A Correct. With Sam and Elon, there were more
25 texts -- well, at least from a number wise on that.

1 action."

2 What are you talking about here?

3 A We're responding to a negative statement.

4 Q This is your -- you're spending your time
5 coming up with at least a three-prong plan to try to
6 refute publicly the statement of the prime -- of the
7 Thai government -- governor official, if not the
8 governor, that the tube -- Mr. Musk's tube was not
9 practical, right?

10 A Yes. This is all in response to that
11 comment.

12 Q And then you go on (as read):
13 "Prime minister will be holding
14 press conference and will say what
15 we want."
16 Have I read that correctly?

17 A Yes.

18 Q How do you know he was going to say what you
19 and Mr. Musk or Mr. Teller wanted him to say?

20 A That, I don't remember.

21 Q And then you say (as read):
22 "Can't be verbatim from Army, so
23 maybe," colon.

24 What do you mean can't be verbatim from Army?

25 That they can't give -- the Army is not going to

1 give the verbatim statement that you and Mr. Musk
2 and Mr. Teller wanted them to give?

3 A I'm not sure.

4 Q You can't deny that, though, can you?

5 A That the text says that?

6 Q You can't deny that the reference means that
7 you were saying the -- the Army cannot state
8 verbatim what Musk and SpaceX wanted to be said, am
9 I right?

10 A One more time.

11 Q Look at it, where you say it, sir. (As
12 read):

13 "PM will be holding press
14 conference and will say what we
15 want. Can't be" -- "be verbatim
16 from Army, so maybe."

17 And then you suggest what the Army could say,
18 is that -- am I right?

19 A I assume what this is saying, that the
20 statement shouldn't be the same as the Army's
21 statement.

22 Q Got you. You wanted to make sure that the
23 Army and the prime minister didn't give verbatim
24 statements, because that would look a little bit
25 suspicious, wouldn't it?

1 A I don't remember the logic at the time, but
2 that -- that's how I read this.

3 Q Maybe Mr. Teller would.

4 A Sure.

5 Q Or Mr. Musk. Wouldn't you agree?

6 A I don't know.

7 Q Well, they were the principals involved in
8 trying to make the decisions on how to respond to
9 the statement by the Thai official about the tube
10 was not practical. It would -- the people calling
11 the shots -- with your help but calling the shots --
12 would have been Elon Musk and Sam Teller, true?

13 A All of us were involved.

14 Q Except I didn't get to ask Elon Musk about
15 any of this either, because it was not produced
16 before I took Mr. Musk's deposition. But it was
17 available at all times on your phone for the past at
18 least year, plus, right?

19 A Yes. It's on my phone.

20 Q And would have been easily provided to
21 counsel for Mr. Musk or Mr. Musk if you had been
22 asked to give it to them, true?

23 A It's been on my phone for the past year is
24 correct.

25 Q And I've already covered that. So,

1 A I respond fast when Elon asks me to do
2 things.

3 Q So that's a fair assumption on my part,
4 wouldn't you agree?

5 A I would either produce fast or I would make
6 an error. Those are one of the two options.

7 Q The chances of you making an error where you
8 totally omit all of your texts in response to a
9 request for them coming from Elon Musk is slim to
10 none, isn't it, sir?

11 A Yes, yeah.

12 Q Now, you go on and you say (as read):

13 "Powerwall donation already known
14 and will be mentioned," right?

15 A Is that 99?

16 Q Yes. Last page of 99.

17 A Yes.

18 Q And then you say -- and that's a -- so you're
19 trying to get publicly out there that Musk had made
20 some offer or donation of the Powerwall, right?

21 A We had donated Powerwalls, and it says it
22 would be mentioned in one of these statements.

23 Q You wanted that out there publicly?

24 A We wanted it to be mentioned in the
25 statement.

1 Q Public statements.

2 A I want to make sure before I say yes, I
3 understand.

4 Q What -- you -- you and Sam Teller were
5 discussing public statements that you were hoping to
6 have issued by certain individuals, including a
7 mention publicly of the Powerwall donation.

8 Isn't that clear as a bell, sir?

9 A The Powerwall donation was going to be
10 included in -- in a statement, that's correct.

11 Q A public statement. You wanted statements
12 issued publicly, didn't you?

13 A It would be included in the public statement,
14 yes.

15 Q Because you wanted those statements to be
16 published or to be public, to respond to the public
17 statements by the Thai official that the tube was
18 not practical, right?

19 A I -- I do not know the exact correlation, but
20 that was going to be included in the statement.

21 Q And then you say (as read):

22 "Once the kids are out, we should
23 demo the sub in the cave."

24 Have I read that correctly?

25 A Yes.

1 factory."

2 Have I read that correctly?

3 A Yes.

4 Q So here's Teller trying to tell you what he
5 would like and Musk would like to have the prime
6 minister of Thailand say publicly, true?

7 A It sounds like this is all working on one
8 statement, correct.

9 Q And you and, I assume, Mr. Teller who's in
10 touch with Mr. Musk, you were urging the prime
11 minister to say that SpaceX is awesome, right?

12 A Yes. That would be part of the statement.

13 Q You were urging the prime minister to include
14 in his public statement that the SpaceX engineers
15 were helpful, right?

16 A Yes.

17 Q You were trying to get the prime minister, in
18 his public statement, to say that the pod was not
19 necessary because this went well, this being the
20 actual rescue efforts, right?

21 A Yes.

22 Q You wanted the prime minister -- you were
23 urging -- Mr. Musk and Mr. Teller, through you,
24 wanted the prime minister to be urged to say
25 publically that the pod was not necessary because

1 this went well, but it's a useful and cool design,
2 right?

3 A Yes.

4 Q And then he tells you that they're about to
5 announce publicly a Tesla Shanghai factory, right?

6 A Yes.

7 Q This text is all about public statements and
8 publicity, isn't it, sir?

9 A The first part is about one public statement,
10 and the other is about the opening of a Tesla
11 factory.

12 Q Which was getting ready to be publicly
13 announced, right?

14 A The factory?

15 Q Yes.

16 A Yes.

17 Q So it was all -- all of this text that I've
18 just been over that starts at "okay" and ends at
19 "Shanghai factory," this is about publicity, isn't
20 it?

21 A Two separate ones, but yes.

22 Q Two different types of publicity. One about
23 trying to get publicity favorable on the Musk SpaceX
24 efforts, right?

25 A One was about a public statement for --

1 Q Tesla and Musk -- I mean, SpaceX and Musk and
2 their efforts to help.

3 A One was a public statement about the
4 Thailand, and one was about Tesla.

5 Q Now, when you say "Thailand," you're talking
6 about it was a public statement about SpaceX's
7 exercise or efforts in Thailand?

8 A Oh, correct.

9 Q Okay. And then you respond -- I guess -- I
10 have to assume -- if you don't remember or it's
11 different, tell me -- when he says (as read):

12 "About to announce Tesla's Shanghai
13 factory."

14 You go, with an exclamation mark (as
15 read):

16 "Holy crap!"

17 A Correct.

18 Q And was the "holy crap" related to the Tesla
19 Shanghai factory announcement, or was it related to
20 the efforts to get the PM, the prime minister, to
21 say positive favorable things in the words of
22 SpaceX?

23 A I don't know what I was thinking about at the
24 time, but reading that, Shanghai factory was pretty
25 exciting.

1 Q So you believe it was related -- "holy crap"
2 was related solely to the announcement of the Tesla
3 Shanghai factory?

4 A It looks like it. It's pretty amazing.

5 Q It's pretty amazing at the time that these 12
6 children and their coach -- after having been lost
7 and stranded in the cave since June of 23rd, it's
8 pretty amazing that the people on the ground, the
9 divers, the support personnel had saved every one of
10 their lives. That was pretty amazing, wasn't it?

11 A It is.

12 Q It probably beats out an amazement of the
13 opening of a Tesla Shanghai factory, wouldn't you
14 agree?

15 A They're both amazing.

16 Q And in the process, you understand, of trying
17 to save these children, the people on the ground,
18 the divers, the rescue personnel --

19 A Uh-huh.

20 Q -- you know for a fact, do you not, that one
21 Thai Navy SEAL diver died in his efforts to help
22 these kids?

23 A I do.

24 Q Now, you then have what I will promise you I
25 can barely read because it's so small -- and if you

1 have trouble reading it, I would urge you to pull it
2 up on your cell phone.

3 What is the next entry underneath -- there's
4 one, two, three, four separate entries underneath
5 "holy crap."

6 Would you read that to me, please, into the
7 record verbatim.

8 A So it's within these small text messages?

9 Q Yes, after "holy crap."

10 A It says (as read):

11 "Okay. One moment. If you could
12 add something along the lines of the
13 SpaceX mini subs are technically
14 sound and practical solution for
15 rescuing the Thai children design of
16 which was informed by feedback from
17 divers and rescuers on the ground."
18 End of that first blurb. Second
19 blurb (as read):

20 "Mainly to stress that the mini sub
21 would have worked and was designed
22 with feedback from the divers," end
23 of blurb. "Thank you so much." End
24 of blurb. Then it says (as read):

25 "Conveyed to the secretary general

1 of the prime minister."
2 And then next blurb (as read):
3 "Deepest apology once again to
4 Mr. Elon Musk and his team for this
5 unpleasant incident."

6 Q Is the unpleasant incident referring to the
7 statement by the Thai governor or someone in his
8 office that the tube was not practical?

9 A I'm not sure. It --

10 Q So you're writing stuff and you don't know
11 what the hell you're talking about?

12 A Yeah. It was a long time ago.

13 Q Do you think you knew at the time you wrote
14 it what you were talking about?

15 A I hope so.

16 Q Do you think Sam Teller and Elon Musk might
17 be able to enlighten me as to what they believe this
18 discussion was about if I had had the chance to ask
19 them?

20 A I don't know.

21 Q We don't know now, do we, because I didn't
22 have a chance to ask them, but we'll address that.

23 There's something else on this document page
24 that's very small after "holy crap." And I'd like
25 to see your phone if you don't mind, and you can

1 A I think it's reasonable.

2 Q Thank you. And then he says (as read):

3 "Who is?"

4 And you respond, so you had to understand
5 what he was asking. And you say (as read):

6 "Florence X Li."

7 A Correct.

8 Q Right. And she's a SpaceX employee?

9 A Correct.

10 Q And she's involved in the press release or
11 dealing with the press on the issue of the tube,
12 true?

13 A I don't remember exactly what she's doing at
14 the time, but I -- I responded that she was the
15 point on press.

16 Q Press on what?

17 A That, I'm not sure. I assume all of this.

18 Q The Thai rescue efforts? The tube? She's
19 not the point person on point about the -- or is she
20 the person on point about the Shanghai Tesla
21 factory?

22 A No. She does not have anything to do with
23 that.

24 Q She doesn't have anything to do with Tesla?

25 A Correct.

1 Q So it had to be with respect to the tube,
2 wouldn't you agree?

3 A I want to just make sure -- she would --
4 she -- while I was asleep, she would have taken
5 any -- any like requests or comment that was made.

6 Q About the tube?

7 A The tube? Sorry --

8 Q The tube, your tube.

9 A Oh, the pod.

10 Q The pod, excuse me. It's been called a
11 variety of things. It looked like a tube to me, but
12 I'll call it a pod.

13 A Any requests would have gone to her while I
14 was asleep.

15 Q Have you ever talked with her recently?

16 A Florence -- Flo works for The Boring Company.

17 MR. WOOD: Well, I've never had her
18 identified in any shape, form or fashion in this
19 litigation. So put that on your list too, Alex,
20 please.

21 Q And then you write -- she writes (as read):

22 "Teller writes great."

23 And then you said (as read):

24 "Need input. What's the action?"

25 This is on July 10th, 2018 at 5:13 a.m.,

1 right?

2 A Correct.

3 Q And he says (as read):

4 "On press?"

5 What -- what are you all talking about here?

6 A It says we are looking for a statement to be
7 put out.

8 Q A written statement from the prime minister,
9 right?

10 A Correct.

11 Q And then you say (as read):

12 "Consul texted. Will be on website
13 soon," right?

14 Talking about on the website of what?
15 SpaceX?

16 A I don't know which website he was referring
17 to.

18 Q No. You're the one that says it.

19 A I don't know what website I was referring to.

20 Q Well, do you think it would have been on some
21 Musk or SpaceX or Boring Company website?

22 A That seems highly unlikely.

23 Q Well, why in the world would you note -- are
24 you saying that the consul said that he was going to
25 have the prime minister's written statement put on a

1 Sam Teller?

2 A Sure. You could ask him.

3 Q And then you go (as read):

4 "Sure. Just gathering info."

5 And then he responds (as read):

6 "E," Elon, "will call the prime
7 minister if necessary."

8 To get the statement done, right?

9 A That, I don't know.

10 Q Well, you said (as read):

11 "Don't think we would need to."

12 Don't think you need to contact the prime
13 minister, why? Why not?

14 A I don't remember what was happening at this
15 time.

16 Q I think you're talking about trying to get
17 into the cave, sir, or the -- as you call it, the
18 mysterious swimming pool fixture, because he goes on
19 to say, Mr. Teller (as read):

20 "We can say what we want to test it
21 so that we know it's viable for
22 future use, et cetera. Thanks."
23 Have I read that correctly?

24 A Yes.

25 Q And you said (as read):

1 "Has to be same cave? To the boys

2 spot?"

3 A Correct.

4 Q You're talking about trying to get

5 permission, if necessary, from the prime minister to

6 get the tube into the cave to potentially go to the

7 spot where the boys were found, true?

8 A I agree that this part is about testing the

9 pod.

10 Q In the cave potentially to the spot where the

11 boys were found, right?

12 A Correct on these, yes.

13 Q And then he says (as read):

14 "That's what he said. It's not

15 possible, then let's tell him with a

16 next best option."

17 He's clearly referring to Elon Musk at that

18 point, isn't he, sir?

19 A That, I'm not sure.

20 Q He goes back and you go (as read):

21 "Yup."

22 And then he says (as read):

23 "Armor on phone with E. Sounds like

24 talking him out of it," right?

25 A Yes.

1 Q Talking Elon Musk out of the idea of trying
2 to put this tube back into the cave to go to where
3 the spot where the boys were, right?

4 A I don't know for sure, but that is
5 reasonable.

6 Q Well, if you keep reading on, sir, it says
7 (as read):

8 "Best offer I have heard so far is
9 that they will put it in s plane."
10 What's S plane?

11 A My --

12 Q Same plane?

13 A My guess is a typo for "a."

14 Q (As read):

15 "Putting it in a plane, fly to
16 Bangkok and train in the Navy
17 pools."

18 And he says (as read):

19 "I," and then he says, "Sounds
20 cool," right?

21 A Yes.

22 Q Who is Boom?

23 A That, I don't know.

24 Q Because you write back and say (as read):

25 "Boom said" --

1 A The goal was to help.

2 Q You don't go out -- sir, answer my question.
3 Let me rephrase it -- state it again.

4 The goal was never supposed to be about
5 getting photographs or videos to publicize your
6 voluntary efforts to save someone's life to garner
7 positive publicity, is it, sir?

8 A Say it one more time.

9 Q I'll give you one more time if it helps.

10 A Sure.

11 Q The goal should never have been about getting
12 photographs or videos to publicize someone's
13 voluntary efforts to save another's life just for
14 positive publicity.

15 Do you agree, sir?

16 A I do. The goal was to help.

17 Q It should be to help, not to get publicity,
18 true?

19 A The goal was to help, yeah.

20 Q Is the answer yes, then? Is that what you're
21 telling me? Yes, Mr. Wood, the goal is always to --
22 to help, not to get publicity; is that what you're
23 saying?

24 A That's correct.

25 Q Thank you. And then you -- Musk 3222, which

EXHIBIT 9

EXHIBIT 9

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,

Plaintiff,

vs.

Case No. 2:18-cv-8048-svw

ELON MUSK,

Defendant.

VIDEOTAPED DEPOSITION OF ARMOR HARRIS

BEVERLY HILLS, CALIFORNIA

SEPTEMBER 9, 2019

Reported By:

PATRICIA Y. SCHULER, CSR No. 11949

Job No.: 45747

1 Do you see that?

2 A. Um-hmm.

3 Q. I'm just giving you some context here.

4 A. Um-hmm.

5 Q. Down about halfway, there's a message
6 from you later that same day, it looks like, that
7 says -- to a number -- I'm not sure what number
8 that is -- "We can't accommodate Elon's request to
9 send them into the cave with the pod."

10 Do you see that?

11 A. Um-hmm.

12 Q. Tell me about that request.

13 A. So it was after the -- all the kids were
14 out.

15 Elon had asked if it was possible to take
16 the pod in there all the way and see if it would be
17 able to make it through the passages.

18 The conditions in the cave had gotten
19 significantly worse.

20 The water level was much higher, and the
21 dive section was much longer.

22 So it would have required staging tanks,
23 and it would have been a pretty complicated
24 operation.

25 And it just was not worth doing at that

September 09, 2019

1 time because the kids were out.

2 Q. Do you know why Elon made that request?

3 A. I do not know.

4 Q. Did he make that request to you
5 personally?

6 A. No.

7 He made it to whoever (310)245-2197 is.
8 And then they asked me about it.

9 Q. And you said "We can't ask them to go in
10 there and risk their lives for a demo," right?
11 I guess you're talking about the
12 divers --

13 A. Right.

14 Q. -- is that right?

15 A. Yeah.

16 And the reason for this was what I was
17 saying. It won't make it any more useful for
18 future scenarios with different geology.

19 Like just proving that it can work in
20 this cave doesn't make it any more or less useful
21 for future cave rescue operations that have
22 different geology, like different geometry in the
23 passageways.

24 Yeah.

25 Q. Got it.

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1 giving us, you know, suggestions and criteria for
2 what the pod should be able to do.

3 Q. Okay.

4 A. I remember Ben was one of them, but I
5 don't remember the names of any of the other ones.

6 It all kind of blends together in my
7 head.

8 Q. Yeah.

9 It's a lot of people, right?

10 I mean, a lot of people were involved in
11 the rescue effort?

12 A. Yeah.

13 Q. So did you ever talk to Mr. Musk about
14 Vernon Unsworth?

15 A. No.

16 Q. No communication with him at all about
17 Vernon?

18 A. No.

19 Q. Did he ever -- he never asked you for
20 information about Vernon Unsworth?

21 A. No.

22 Q. He never asked you if you had seen him on
23 the site?

24 A. No.

25 Q. He never asked you if you had heard

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1 whether he was kicked off the rescue or asked to
2 leave?

3 A. No.

4 Not from Elon.

5 Q. Not from Elon?

6 A. No.

7 Q. Did anybody ever ask you on his behalf
8 what you knew about Vernon?

9 A. No.

10 Well --

11 Q. I mean, besides the litigation,
12 obviously. This is all binding you up in that.

13 A. Yeah.

14 Q. I mean more kind of contemporaneously.

15 A. Yeah. So putting us in a compartment.

16 Q. Sure.

17 A. Yeah. There might have been like a, you
18 know, "Hey, we met this guy. We talked to him-type
19 thing" from one of the folks back in California
20 like Sam or Steve Davis.

21 Sam Teller or Steve Davis.

22 I recall them asking "Hey, you met
23 Vernon. You talked to him.

24 What's -- why is he saying this stuff?"

25 Q. Yeah. What did you say when they asked

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1 you that?

2 **A. I said no, I had not.**

3 Q. You had not met him; hadn't talked to
4 him?

5 **A. Yeah.**

6 Q. Did you say anything about "Oh, I think
7 he got kicked off the rescue or asked to leave" or
8 anything like that?

9 **A. No.**

10 Q. After you heard about these comments that
11 Mr. Unsworth made: "Stick it where it hurts" --
12 once you got back to the U.S., was there ever any
13 discussion around that time about those comments?

14 **A. No.**

15 Q. It didn't come up with anybody?

16 **A. No.**

17 Q. Did you talk to people about the work on
18 the pod and what it was like in Thailand?

19 Did that come up with people?

20 **A. I mean, sure, amongst coworkers and
21 family members and friends.**

22 **But nothing public or nothing on social
23 media or anything like that.**

24 Q. Sure. But you know, it was -- I mean, it
25 was probably a pretty amazing experience, right, to